



## EXCLUSION POLICY

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### **Rationale**

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from Ayscoughlee Hall School for misconduct or other reasons. The policy applies to all pupils at the school but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

This policy should be read in conjunction with the school's Behaviour policy.

### **Interpretation**

The definitions in this clause apply in this policy.

### **Types of Exclusion**

#### **Internal Exclusion**

This varies in length from one to three days. Pupils will spend each day working alone on tasks appropriate to the lessons the child is missing. They will spend break time and lunchtime supervised away from the rest of the class.

#### **Fixed Term Exclusion**

In serious cases of misdemeanour, or constant difficulty, a child may be suspended from school for a period of time. Clearly this would normally only be used after consultation with parents had taken place over a period of time, or for a particular serious offence.

#### **Permanent Exclusion**

This is clearly the last resort. The critical factor in deciding this will be the effect that the child is having on both other children in the school or the staff. This can never be an easy decision. Many of the children who are candidates for exclusion need help, and sending them away may not be the best thing for them. However, there are limits to what we can do, and when an individual is preventing others in the school from benefiting as they should, then this may have to be the course of action. We do need to acknowledge that there are some situations that we just cannot cope with.

Once the decision to exclude has been made, the number of days depend upon:

- The severity of the behaviour
- The child's previous behaviour
- The need to deter others

### **Headteacher**

References to the Headteacher may include the Deputy in her absence.

### **Parent**

Includes one or both of the parents, a legal guardian / carer or education guardian.

## **Requirement to Leave**

Means that the permanent removal of the pupil is required by the Headteacher but without the stigma of permanent exclusion.

## **Policy Statement**

### **Aims**

The aims of this policy are:

- to ensure the safety and wellbeing of all members of the school community
- to support the school's Behaviour Policy
- to ensure procedural fairness and natural justice
- to promote co-operation between the school and parents when it is necessary for the school that a pupil should leave earlier than expected.
- to maintain an appropriate educational environment in which all can learn and flourish

### **Misconduct**

The main categories of misconduct which may result in permanent exclusion or a requirement to leave are outlined in the school's Behaviour Policy and include but are not limited to:

- Violent bullying or assault
- Bring an offensive weapon to school
- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Stealing
- Vandalism / arson
- Bullying of any kind including cyberbullying
- Persistent attitudes or behaviour which are inconsistent with the school's ethos e.g. swearing at teachers
- Other serious misconduct which affects the welfare of a member or members of the school community or which brings the school into disrepute (single or repeated episodes) on or off school premises or via the use of digital technologies such as the Internet and social media sites.

### **Other circumstances**

A pupil may be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, or of the school, that they remain at the school.

### **Equality**

The school will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where permanent exclusion needs to be considered, the school will ensure that a pupil with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

### **Providing Work**

If a child is excluded for more than 3 days it is the duty of the school to provide work. For an exclusion of up to three days the child should engage in activities that will not put them behind e.g. continue with their spellings and reading.

For longer exclusions, the school will collect work from the class teacher and make arrangements for the work to either be posted home or collected by the parents. It is the parent's responsibility to ensure that the child completes the work set, and that it is returned to school.

### **Informing Parents**

The school will inform parents as soon as possible of an exclusion. This will be done by telephone by the Headteacher (or she will delegate in the case of her absence).

When a child is excluded from school, it is the responsibility of the parent to ensure their child is completing work as specified above during normal school hours on the specified days of exclusion.

### **Post-Exclusion Meeting**

With a fixed term exclusion parents are asked to meet the Headteacher before the child joins his/her class again. The purpose is to discuss what can be done to ensure that this kind of thing does not occur again.

The purpose of the post-exclusion meeting is for the child to accept responsibility, showing remorse for their actions and making assurances to the Headteacher that there will not be a repeat of the behaviour. If this is not forthcoming the child and parent may be asked to return for a subsequent meeting, when these assurances can be made.

### **Procedure**

#### **The Procedure**

The procedure followed by the school in cases where a sanction of exclusion or required removal may be imposed by the Headteacher are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:

#### **Investigation procedure**

further details of the procedures to be followed at this stage are set out in Appendix 2.

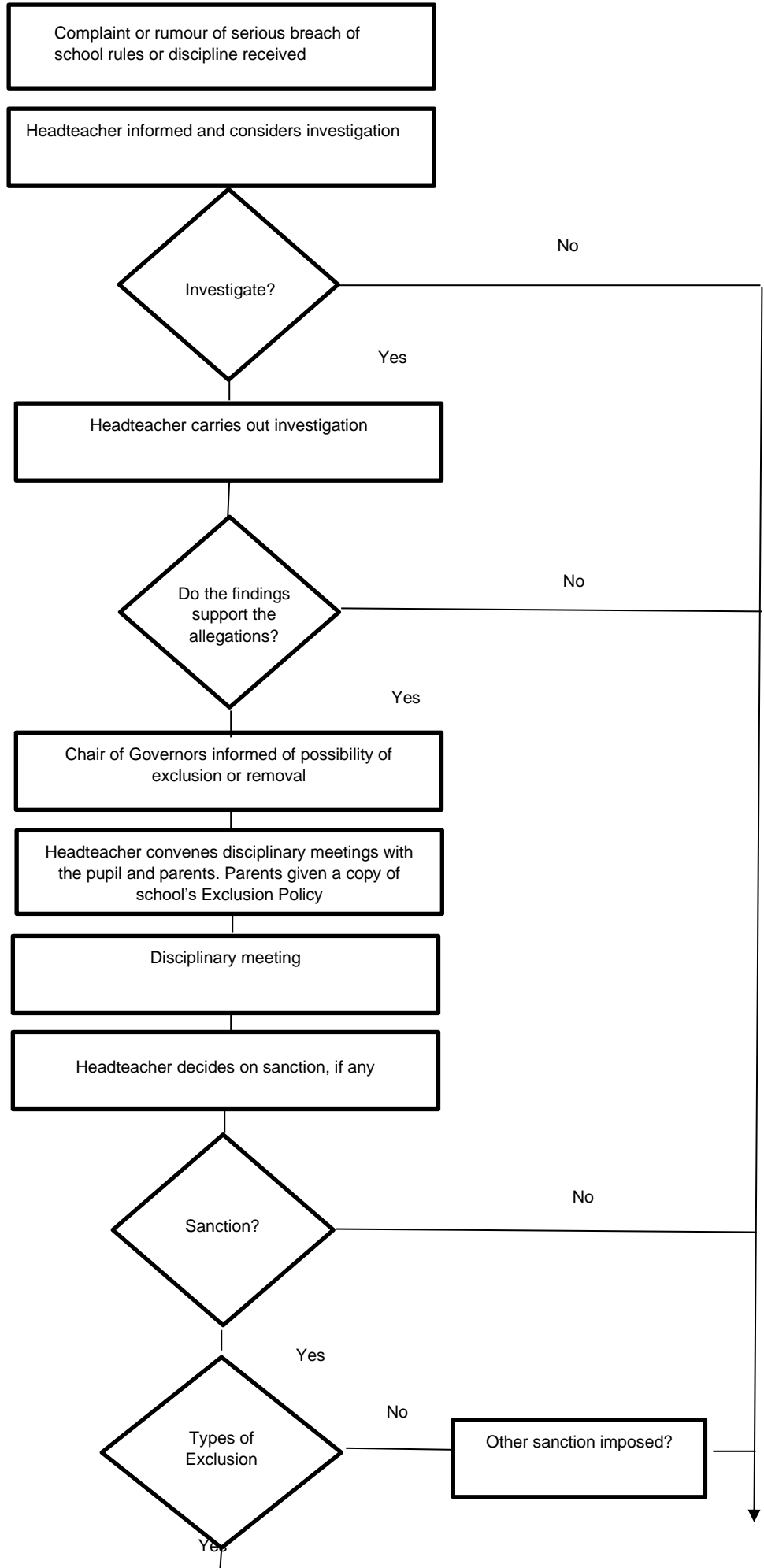
#### **Disciplinary meeting with the Headteacher**

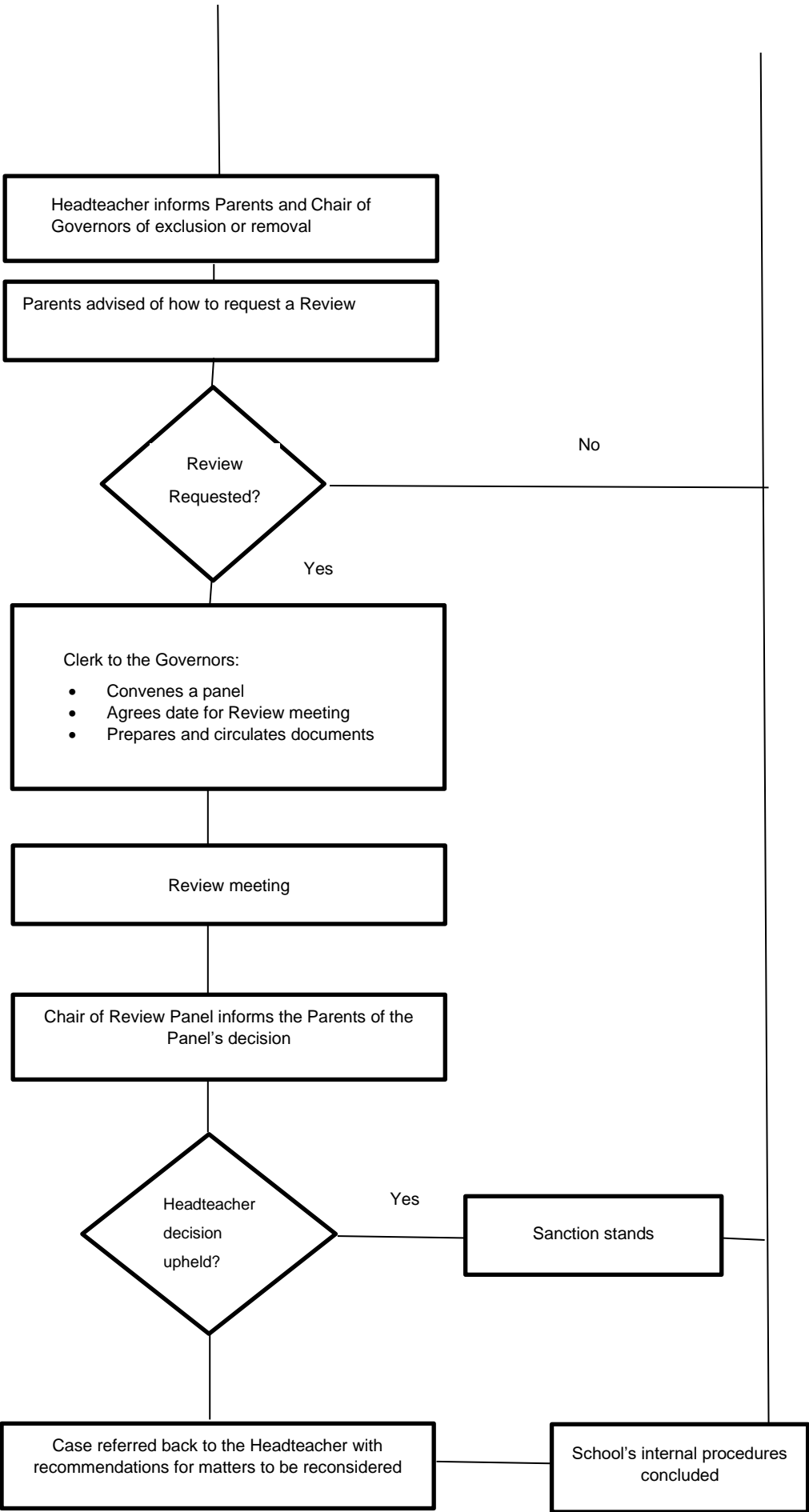
further details of the disciplinary meeting are set out in Appendix 3.

#### **Governors' Review meeting**

further details of the Governors' Review meeting are set out in Appendix 4.

# Appendix 1 Procedural Flowchart





## Appendix 2 - Investigation procedure

1. **Complaints:** Investigation of a complaint or rumour about a serious misconduct will normally be co-ordinated by the Deputy Head. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being permanently excluded or required to leave.
2. **Suspension:** A pupil may be suspended from the school while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a suspension continue for a period of more than five school days, the school will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant class teacher will co-ordinate these arrangements with the pupil's parents or guardians. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the pupil may be placed under a segregated regime on school premises.
3. **Search:** We may decide to search a pupil's space and belongings.
4. **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for them to be accompanied by a member of staff of the child's choice. A minute of the interview will be recorded in writing by the interviewing member of staff.
5. **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to the school, without formal legal procedures.
6. **Suspension of an investigation:** It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.
7. **Outcome of investigation:** Once the investigation has been completed, the Deputy Head will prepare a written report and will state whether in their view:
  - there is a case of serious misconduct that needs to be addressed
  - the misconduct does not warrant permanent exclusion or a requirement to leave and another lesser sanction may be appropriate
  - there is no case of serious misconduct and the matter can be closed.

### Appendix 3 - Disciplinary meeting with the Headteacher

If it is found that there is a case of serious misconduct to be answered, a disciplinary meeting will be convened at which the Headteacher will consider the complaint of serious misconduct and the findings of the investigation.

1. **Preparation:** The Chair of Governors will be informed of the meeting. The Headteacher will consider the case of alleged serious misconduct or complaint against the Pupil, any written statements and relevant correspondence and the pupil's school file.
2. **Attendance:** The Pupil and their Parents will be asked to attend the disciplinary meeting with The Headteacher. The Headteacher may ask the Deputy Head who has conducted the investigation or other members of staff to attend to outline the outcome of any investigation and the circumstances of the serious misconduct and/or complaint. The pupil and their parents will have an opportunity to state their side of the case. Staff statements will be disclosed but, in most cases, the anonymity of pupils will be preserved. If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headteacher's office so that appropriate arrangements can be made.
3. **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
  - 3.1 **The Complaints:** The Headteacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headteacher considers that further investigation is needed, she will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence.
  - 3.2 **The Sanction:** If the complaint and/or case of serious misconduct have been proved the Headteacher will outline the range of disciplinary sanctions which she considers are open to her. She will take into account any further statement which the pupil and/or others present on their behalf wish to make. The pupil's disciplinary record will be taken into account. The Headteacher may decide that circumstances are such that a less severe sanction is required such as suspension for a period of time. Then, or normally within 24 hours, the Headteacher will give her decision, with reasons.
  - 3.3 **Leaving Status:** If the Headteacher decides that the pupil must leave the school, she will discuss the leaving status with the pupil's parents with a view to reaching an agreement. If no agreement can be reached, the Headteacher will determine the leaving status.
4. **Delayed Effect:** A decision to permanently exclude or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within seven days the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.
5. **Leaving Status:** The Headteacher will determine the leaving status and will also confirm arrangements including:
  - the form of letter which will be written to the parents and the form of announcement in the school
  - the form of reference which will be supplied for the pupil

- the entry which will be made on the school record and the pupil's status as a leaver
- arrangements for transfer of any work to the pupil, their parents or another school
- whether (if relevant) the school can offer assistance in finding an alternative placement for the pupil
- the conditions under which the pupil may re-enter school premises in the future
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.



## Appendix 4 - Governors' Review

1. **Request for Review:** A pupil or their parents may request a Governors' Review of the Headteacher's decision to permanently exclude or require a pupil to leave, or where a decision has been made to suspend a pupil for 11 School days or more. The application must be made in writing using the Request Form at Appendix 5 and received by the Company Secretary within seven days of the Headteacher's decision being notified to the parents, or longer by agreement. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Company Secretary so that appropriate arrangements can be made.
2. **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 Headteacher will not of itself be grounds sufficient for a Governors' Review.
3. **Review Panel:** The Review will be undertaken by three members of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will therefore not normally include the Chair of Governors. Selection of the Review Panel will be made by the Company Secretary to the Governors. 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. If appropriate, the panel may include an independent member who is not concerned with the management or running of the school.
4. **Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made. It is not the role of the Panel to re-instate a pupil at the School against the wishes of the Headteacher. The Panel may decide whether to uphold the Headteacher's decision or refer the decision back to her with recommendations so that she may consider the matter further.
5. **Review meeting:** The meeting will take place at the school premises, as soon as reasonably practical but a Review meeting will not normally take place during school holidays. The parents and the Headteacher will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Headteacher before her decision was made, the Company Secretary should contact the Chair of the Panel who will decide whether to:
  - include the new information in the bundle; or
  - omit the information if not relevant to the grounds for Review; or
  - make further enquiries of the parents or the pupil about the information; or
  - refer the information to the Headteacher 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 and not disclose any details unless required by law.

6. **Attendance:** Those present at the Review meeting will normally be:
  - members of the Review Panel and the Company Secretary

- the Headteacher
- the parents and the pupil, if they or their parents so wish. The parents may be

accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified.

7. **Conduct of meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The Company Secretary will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
8. **Procedure:** The Panel will consider each of the points raised by the pupil or their parents and any documentation they wish to rely on so far as relevant to determine:
- 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 normally apply; and
  - whether the sanction was warranted, that is, whether it was proportionate to 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 their parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Company Secretary to note their dissatisfaction and the reasons for it.

9. **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 recommendations will be notified in writing, with reasons, to the Headteacher and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The Headteacher will provide her response to those recommendations in writing within 24 hours. In the absence of a significant procedural irregularity, the Headteacher's decision will then be final.

## Appendix 5 - Form for requesting a Governors' Review

To The Company Secretary

Subject [Name of pupil]

I/we request that a sub-committee (Panel) of the Board of Governors carries out a Review of the Headteacher's decision to exclude or require the removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Headteacher's decision following consideration of the recommendations made by the Governors' Review will be final, subject to such legal rights (if any) as may exist.

I/we confirm that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

I/we understand that the Panel will be concerned with the fairness and proportionality of the Headteacher's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/we understand that we may be accompanied at the Review meeting by a friend or relation and that if I/we wish to bring a friend or relation who is legally qualified I/we will provide seven days' notice as required.

I/we will inform the Company Secretary if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the matters which I/we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number



**This policy should be read in conjunction with the school’s Safeguarding and Child Protection Policy, Behaviour Policy, Anti Bullying Policy and Parental Complaints Policy.**

***Any reference to the word ‘School’ implicitly includes all its associated clubs/activities including Kids Club. This policy also applies to EYFS***

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