



Grove House School

Exclusions Policy

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Introduction

Grove House School believes that good discipline is essential to ensure that all pupils can benefit from the opportunities the school provides. The Government supports schools in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, 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.

Guidance Framework

The Grove House School Exclusion Policy is written in line with *Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion*, 2012, updated February 2015.

Links to other Policies

This policy should be read in conjunction with the Behaviour Management Policy.

Principles

The school is a learning institution which aims to provide life chances for all of its pupils. We view exclusion as a last resort when all other possible methods of managing pupil behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and the surrounding circumstances before reaching a decision to exclude.

The school recognises the detrimental impact of exclusion on both the education and well-being of pupils and their families. It also recognises the impact of social exclusion, which can result from the permanent exclusion of a pupil and will try hard to avoid it.

Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a pupil to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. The school is committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate.

Grove House School complies with the Equality Act and its duty not to discriminate against pupils for any reason. It will always consider and attempt to make reasonable adjustments in an attempt to avoid a permanent exclusion. A record of any adjustments made are kept on the pupils' school file and noted in correspondence with parents. The school also takes into account its statutory duties in relation to pupils' special educational needs.



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The school aims to involve parents as early as possible in any process.

The decision to exclude

The decision to exclude is made solely by the Headteacher and cannot be made by other staff in her absence.

There are five circumstances where a pupil may be required to leave the school site with the authorisation of the Headteacher:

- Where a decision has been made to exclude.
- Where a pupil has committed a serious criminal offence outside the jurisdiction of the school and it is determined by the Headteacher that it is in the interests of the community for the pupil to be educated off-site. This is not an exclusion.
- Where, for medical reasons, the presence of a pupil represents a serious risk to the health or safety of other pupils or staff. This is not an exclusion.
- If a pupil is given permission by the Headteacher to leave the premises briefly to remedy a breach of the school rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion but an authorised absence.
- Where there is good reason to believe that a pupil is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be screened. In this circumstance the pupil can be refused entry. This is not an exclusion but an unauthorised absence in the first instance but could lead to exclusion following a full investigation.

The decision to exclude a pupil is not taken lightly and the Headteacher will:

- Ensure that a thorough investigation has been carried out
- Consider all the evidence available to support the allegations
- Allow and encourage the pupil to give their version of events
- Refer to the school's *Behaviour Policy*
- Keep a written record of the actions taken including the signed statements of witnesses
- Be confident that the procedures detailed later in this policy have been carried out
- Ensure expert advice relating to the pupil's special educational needs has been taken into account where appropriate and reasonable adjustments have been considered/made.
- Ensure that parents have been kept informed throughout the process and consulted where appropriate.

The standard of proof applied when deciding to exclude is 'balance of probabilities'. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

Exclusion will not be used as a consequence for the following:



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- Minor incidents such as a failure to complete homework
- Poor academic performance
- Lateness or truancy
- Breaches of school rules on uniform or appearance except where these are persistent or in open defiance of such rules
- Pregnancy
- As a punishment for the behaviour of their parent/carer

Once the decision has been made to exclude, a pupil will only be sent home once contact has been made with parents/carers and where it is clear that the pupil will be returning to a place of safety. Work will be provided and either sent with the pupil or arrangements made for collection.

Lawful Exclusions

To be lawful, an exclusion must be:

- Imposed on disciplinary grounds only;
- Imposed in response to behaviour by the pupil, not by others (for example, the pupil's parents);
- Fair, reasonable and proportionate to the behaviour/breach of the school's Behaviour Policy to which it relates;
- Compliant with the statutory exclusion regime, by including all statutory information within notification and other statutory letters, and that the statutory procedure is followed;
- Compliant with the Special Educational Needs & Disability Code of Practice. It is important that the Headteacher keeps a record of their consideration of the duty to make "reasonable adjustments", particularly where no adjustment was identified, or where an adjustment was identified but it was considered unreasonable to make it. Ideally, this should also be confirmed in the exclusion notification letter;
- Compliant with the Equality Act 2010 and, in particular, the duty to make reasonable adjustments for disabled pupils;
- Compliant with the rules of natural justice (i.e. the decision to exclude must not be illegal/unlawful, irrational or procedurally improper);
- For permanent exclusions, be imposed in response to a serious breach, 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.

An exclusion is usually imposed following other disciplinary sanctions escalating in severity, however is potentially lawful to exclude a pupil following one serious incident/breach, as long as the exclusion is a fair, reasonable and proportionate response.



Fixed-term Exclusion

A decision to exclude a pupil for a fixed-term may be taken in response to breaches of the school's behaviour policy. Examples of behaviour that may lead to a fixed-term exclusion include the following:

- Verbal abuse of staff or pupils
- Physical abuse of staff or pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Carrying and/or supplying an illegal substance
- Carrying an offensive weapon* or a banned item (see Behaviour Management Policy)
- Arson
- Persistent poor behaviour contrary to acceptable behaviour outlined in the Behaviour for Learning Policy
- Bullying including cyber-bullying
- a weapon is defined as any item made or adapted for causing injury

This is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that exclusion is an appropriate sanction. Where a pupil is suspected of carrying an offensive weapon or misusing/carrying/supplying an illegal substance or being part of a group involved in such activity but the evidence is not sufficient they will be given the benefit of the doubt on the first occasion. If there is a repeat of such concern they will run the risk of exclusion.

The Headteacher may exclude a pupil for one or more fixed periods which do not exceed a total of 45 school days in any one school year.

During a fixed term exclusion of 5 or fewer days, work will be set by the school for the pupil to complete at home. This work should be returned completed at the end of the exclusion for marking.

For an exclusion of longer than 5 days, the school will arrange full-time educational provision from the sixth day of exclusion.

Before the end of any fixed-term exclusion, parents/carers will be invited to attend a reintegration meeting at the school with their son/daughter. The purpose of the meeting is to ensure that the pupil understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The school will consider all further support needed to help the pupil, including referral to external agencies if appropriate.



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During the first five days of any exclusion, the parents of an excluded pupil must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent/carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

Permanent Exclusion

Permanent exclusion is an extremely rare sanction at the school and always avoided wherever possible. The decision to permanently exclude is taken only:

- in response to serious breaches of the school behaviour for learning policy and
- if allowing the pupil to remain would seriously harm the education or welfare of that pupil or others at the school.

A pupil may be permanently excluded where there have been repeated breaches of the Behaviour Management Policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the school has exhausted all available strategies for dealing with the pupil and is a last resort.

There may be exceptional circumstances where, in the judgement of the Headteacher, it is appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or member of staff
- Sexual abuse or assault
- Serious bullying including cyber-bullying
- Being in possession of an illegal substance and/or supplying an illegal substance
- Carrying an offensive weapon

Again this is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that a permanent exclusion is an appropriate sanction for a first or 'one off' offence.

The school operates a 'zero tolerance' approach to the carrying of offensive weapons and the carrying and supplying of illegal substances. This is communicated clearly to pupils in assemblies and PSHCE lessons.

Any pupil who brings an offensive weapon or a banned item onto site, or who brings and/or supplies an illegal substance on site will be permanently excluded. A pupil who is found in possession of these items on site also runs the risk of permanent exclusion.

The Headteacher will meet with the parents and pupil before reaching a decision to permanently exclude a pupil.



Behaviour outside the school gates

An exclusion may be imposed on a pupil for misbehaviour occurring outside school when the pupil is under the control of a member of staff (for example, on a school trip). However, an exclusion will only be imposed on a pupil for non-criminal misbehaviour occurring outside school when they are not under the control of a member of staff, which has been either witnessed by a member of staff, or reported to the school, where it is reasonable to do so and the school's Behaviour Policy clearly sets this out. The exclusion must be for:

- Misbehaviour which occurs when the pupil is taking part in a school organised or related activity, or travelling to or from school, or wearing the school uniform, or can be identified in some other way as a pupil of the school;
- Misbehaviour at any time that could have repercussions for the orderly running of the school, or pose a threat to another pupil or member of the public, or could adversely affect the reputation of the school.

The exclusion may only be imposed on the pupil while they are on the school site or under the lawful control of a member of staff.

Internal advice, guidance and procedures for staff involved in the exclusion process

1. All investigations should aim to be completed within 24 hours of a first report. Ideally an investigation should be completed on the day of the incident however it is recognised that this is not always possible;
2. Investigations must be thorough:
 - a. Initial statements should be as detailed as possible giving the names of potential witnesses,
 - b. The 'suspect' should be spoken with asap and given an opportunity to give their version of events verbally and in writing. They should be placed into the 'referral room' or an appropriate venue whilst the investigation is carried out and before a decision is made. On a rare occasion it may be necessary to send this pupil home promptly (they may pose a Health and Safety risk) – this should only be done after speaking with their parent/carer or after gaining agreement from the Headteacher or Deputy Head in her absence. If the pupil has not been able to give a statement, arrangements must be made as soon as possible for them to do so.
3. All witnesses must be spoken to promptly and individually as soon after the incident as possible. Their safety is paramount and statements should be given in confidence. Where possible a trusted member of staff who has not been involved in the incident or investigation should be with a pupil when their statement is taken.
 - a. If it is suspected that a pupil is carrying an item which is important as part of the investigation e.g. an item that it is suspected they have stolen or an illegal item, a search may be carried out in accordance with legal guidance and in the presence of a witness.



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- b. The community police officer can be used to advise and assist but not in a formal capacity unless agreed by the Headteacher. If they are used in a formal capacity parents must be notified,
 - c. All statements must be written clearly and they must be signed and dated. If the statement is dictated this must be indicated. The statement must clearly explain areas of contest and this means that the statement should be discussed with the witness to ensure that understanding and interpretation are clear,
 - d. In some cases a diagram of an area is useful to bring clarity to where events are alleged to have occurred
 - e. Advice must be sought from relevant experts if appropriate
 - f. A full record of the investigation should be kept. All activities should be recorded, such as viewing of CCTV.
 - g. All evidence is disclosable
4. Once the investigation is complete all paperwork should be presented to the Headteacher for a decision. Any previous exclusions and the suspects behaviour record should be part of this information. The checklist should be completed if a permanent exclusion is recommended
 5. All paperwork relating to the exclusion must be filed immediately and details recorded
 6. If a decision is made to exclude:
 - Parents/carers must be notified immediately by telephone and the pupil sent home,
 - An exclusion letter following the guidance will be produced and posted in that day if time allows. The letter must contain details of the re-instatement meeting,
 - A pack of work must be sent home with the letter
 7. Following the re-instatement meeting the pupil must received an appropriate level of monitoring and support from school staff

Interim Fixed Term Exclusions

It cases where there has been a complicated or confusing incident (for example, involving a number of pupils) or there are complex or sensitive considerations (for example, where the pupil is disabled and the duty to make reasonable adjustments must be considered) that it may be appropriate to impose a fixed term exclusion pending investigation or consideration of the duty.

In these cases, it is important that the length of the interim exclusion is kept to the minimum required for the investigation or consideration to take place, and that each pupil involved is considered individually rather than a blanket interim exclusion of the same length being imposed on all pupils involved.

An interim exclusion is still an exclusion, so the Headteacher must be satisfied, at the time that it is imposed, that the particular pupil in question is involved and culpable to such an extent that an exclusion of at least the length of the interim exclusion is warranted, or it will not be fair, reasonable and proportionate to impose it.



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An exclusion notification letter containing all of the statutory information will still be sent, indicating clearly that the exclusion is an interim exclusion pending investigation or consideration, and that it may be extended or converted to a permanent exclusion once the investigation or consideration has taken place.

As soon as the Headteacher is in a position to make the final decision, this should be confirmed to the parents/pupil rather than waiting for the interim exclusion period to expire. Crucially, the date of the exclusion will not change, regardless of whether it is reduced, lengthened or converted to a permanent exclusion, and the statutory time limits for holding a Trustees' statutory review meeting and arranging suitable full-time education will run from the date of the original interim exclusion, rather than the date that the final decision was made.

Once the final decision has been made, a further exclusion notification letter will be sent containing all of the statutory information relevant to an exclusion of that length.

Giving Notification of an Exclusion

Following any decision to exclude, the Headteacher must inform parents/carers, ideally on the same day, by telephone or in a face to face meeting. A letter will then be sent as soon as possible stating the date the exclusion takes effect and the following details:

- The circumstances leading up to the decision to exclude, set out in some detail (in any event, sufficient detail to enable the parents/pupil to decide whether to challenge the exclusion by making representations);
- Why the Headteacher decided to exclude the pupil;
- If relevant, what steps were taken to try and avoid the exclusion; details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident;
- A copy of the school's *Behaviour Policy* if relevant;
- The arrangements for enabling the pupil to continue his/her education, including setting and marking the pupil's work;
- The parents' responsibilities to ensure their child is not in a public place in school hours during the first five days of an exclusion if of compulsory school age (not a sixth former);
- If the exclusion is for a fixed period, the letter will also state the length of the exclusion and the date and time the pupil should return to the school;
- The arrangements for a parent interview at the end of the exclusion to discuss the process of reintegration;
- The opportunity for the pupil to be involved in the process of making representations;
- For Level 2 and Level 3 exclusions, the letter will also state that Trustees will meet to review the decision and that they have the power to reinstate the pupil;
- The involvement, if appropriate, of SEN expert advice;
- A link to a copy of the Guidance, a link to Coram Children's Legal Centre and links to or details of any other relevant local services or parent partnerships deemed appropriate.



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The school must also inform the Board of Trustees and local authority without delay wherever a Trustees' statutory review meeting must take place, or where one will take place if the parents make representations. Where a Trustees' statutory review meeting will not take place, the Board of Trustees and local authority must be informed of all such exclusions once per term. The home local authority should also be notified if the pupil lives in another area.

Where the pupil has reached eighteen years, the school must notify the pupil, rather than the parents.

Trustees' Statutory Review Meeting

A Trustees' statutory review meeting will be held in the following situations:

- A fixed term exclusion which brings the total number of school days the pupil has been excluded in the current term to over five school days and up to fifteen school days, and the parents/pupil have made representations about the exclusion;
- A fixed term exclusion which brings the total number of school days the pupil has been excluded in the current term to over fifteen school days;
- An exclusion (of any length) which will result in the pupil missing a national curriculum test or public examination;
- A permanent exclusion.

Where there is no right to a statutory review meeting, Trustees will still consider any representations made and, where appropriate, ask for a note of their view to be placed on the pupil's educational record.

Appendix A: Model Letter One