



Normanhurst School

Exclusion Policy

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 an 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.

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.