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## EXCLUSION POLICY

### 1 INTRODUCTION

Stoke College (the School) is an inclusive school, committed to the care and well-being of all its children so that they may grow and learn in a safe, secure environment. Staff, children, parents and the wider community work together to ensure that the school community remains true to the principle of equality which underpins its ethos and policies.

All members of the school community work together to create an atmosphere in which each member can grow and flourish regardless of race, class, colour, creed, sex, sexuality, age, ability or other protected characteristic. Positive interpersonal relationships are fostered in a climate of high expectations and respect for individual achievement.

All children experience a community of diversity in which they value and celebrate the unique contribution that each individual makes. They learn to respect the rights not only of each other but also of groups in the local and wider community.

All children have full and open access to a broad and balanced curriculum and to a range of extra-curricular experiences. Attention is given to adequate resources and the development of an appropriate environment to meet the needs of individual children and groups within the school community.

Every area of school life reflects this attention to individual needs and rights, as all school policies are founded on these basic principles, which are embodied in the School's aims and values.

In order to uphold these principles and values, it is necessary that good order and discipline are maintained by pupils and the School is entitled to take steps to ensure that this occurs.

**This policy is also written with reference to and in compliance with those versions of the following publications as are up to date and relevant at the time of drafting this policy:**

- Keeping Children Safe in Education 2019
- Working together to Safeguard Children March 2018.
- Safeguarding Children and Safer Recruitment in Education guidance
- Department for Education (DfE) guidance: Dealing with allegations of abuse against teachers and other staff

- Prevent Duty Guidance 2019
- What to do if you're worried a child is being abused – March 2015 DFE-00124-2015

The School is also mindful and aware of the relevance to exclusions (depending on circumstances) of the Equality Act 2010 and legislation and guidance relating to Special Educational Needs, in particular as per the Special Educational Needs and Disability Code of Practice 2014.

This policy should be read together with the School's Behaviour Policy.

This policy is subject to continuous monitoring, refinement and audit by the Head and Chief Executive. The Head and Chair of Governors undertake a formal review of this policy biennially or earlier if significant changes in legislation or regulations so require.

## 2 EXCLUSIONS POLICY

The School's Behaviour Policy, available on the School's website, explains the School's expectations of behaviour and details the sanctions for misbehaviour. The following policy deals only with serious incidents of misbehaviour leading to fixed term or permanent exclusion from the School.

Examples of misbehaviour across the whole of the School which may result in fixed term or permanent exclusion are:

- Supply/possession/use of drugs and solvents or their paraphernalia or substances intended to resemble them, including but not limited to alcohol or tobacco;
- Theft, blackmail, threatened or actual physical violence, intimidation, harassment, discrimination or bullying by a pupil whether towards another pupil, member of staff or a third party and whether on a persistent basis or as a single event;
- Misconduct of a sexual nature including but not limited to supply and possession of pornography;
- Upskirting
- Possession or use of unauthorised firearms or other weapons;
- Vandalism;
- Misuse of computers including hacking;
- Persistent attitudes or behaviour which are inconsistent with the ethos of the School or in breach of the School's behaviour policy.
- Other serious misconduct towards a member of the School's community or which brings the School into disrepute (single or repeated episodes) on or off the School premises.

This list is not intended to be exhaustive.

Misconduct outside of school, for example whilst a pupil is on a school trip, representing the school through extra-curricular activities, or when wearing the school uniform outside of school grounds may be treated as relevant misconduct both under this policy and the Behaviour policy.

The School will consider each instance of alleged misconduct in the context of its own particular circumstances, and will only impose a sanction that it considers within its discretion to be reasonable and proportionate to those circumstances.

Should a pupil have a single or series of fixed term exclusions imposed whilst at the School, the School shall at its discretion be entitled to take those fixed terms exclusions into account when considering the appropriateness of a permanent exclusion in the event that subsequent misconduct arises.

In certain circumstances it may be appropriate for a fixed term exclusion to be extended, or to be converted into a permanent exclusion, which shall be matters within the School's discretion.

The aim of this policy is:

- To ensure procedural fairness and natural justice;
- To promote cooperation between the School and parents when it is necessary for a pupil to leave earlier than expected;
- To further the legitimate aim of promoting good order and discipline within the School.

**This policy applies to all pupils at the School whether or not in the care of the School at the time of the misconduct, including boarders and EYFS setting, save that it does not cover cases where a pupil has to leave due to ill health, non-payment of fees, such other breach of the contract between the parents and the School which does not arise through misconduct, or withdrawal by his or her parents.**

#### Serious incidents of Misbehaviour leading to Fixed Term or Permanent Exclusion

##### Action to be invoked by Senior Staff in Serious Disciplinary Matters

1. When a serious incident occurs, a senior member of staff, i.e. member of the Senior Leadership Team, must investigate the incident by interviewing children concerned as soon as is reasonably possible and where doing so is both suitable and practicable given the seriousness and circumstances of the misbehaviour complained of, having due consideration for preservation of evidence, natural justice and fairness.
2. If the nature of the incident is extremely serious then the above applies, save that at least two staff members should be present to conduct any interview. This decision will be taken at the sole discretion of the member of the SLT responsible for conducting the investigation.
3. Circumstances of misconduct vary, and whether an incident is serious or extremely serious is within the School's discretion applying its expertise in matters of pupil discipline. It should not be implied from the above that only extremely serious incidents of misconduct will warrant a fixed term or permanent exclusion.
4. A written record of any relevant meeting should be produced by the member of staff responsible for the investigation.
5. The nature and extent of the investigation will depend on the circumstances, including but not limited to the misconduct in question and the profile of the pupils involved in the incident, whether directly or as witnesses. Such investigation as is reasonable in the circumstances will be undertaken.

6. If a pupil is interviewed, the child or children involved should be questioned independently and given ample opportunity to give a response. The child or children involved should be encouraged to provide a written statement of what happened and offered the opportunity to sign and date this written statement as an authoritative record of events. Where it is considered that anonymity should be preserved the School shall be entitled to take steps to ensure this.
7. The member of staff who has investigated the incident shall provide a written report to the Head Teacher, but it shall not be for the investigating officer to impose any sanction.
8. A decision to exclude a child will only be taken:
  - In response to a serious breach or persistent breaches of the School's Behaviour policy; and/or
  - If allowing the child to remain in the School would seriously harm the learning or welfare of the child, other children or staff in the School.
9. The decision to exclude, whether for a fixed term or permanently, is the sole decision of the Head (or, in exceptional circumstances, another member of senior staff who has not been involved in the investigation and is acting with the Head's express delegated authority). The Head can, at his sole discretion, consult with the Chair of Governors before making such decision should the Head consider, in his absolute discretion, that such discussion is necessary, however such consultation is not compulsory. Should any consultation take place, the Chair of Governors shall not be entitled to sit on any Advisory Body review panel should a request for a review of the Head's decision be made, and an alternative advisor will be nominated by the Chair of Governors to act as chair to the panel.
10. Whilst exclusion may still be an appropriate sanction, the Head will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred, or were known before it. For example, where it is revealed a child has suffered bereavement; has mental health issues; or has been the subject of bullying. In cases involving SEN children, the Head should also consider whether appropriate provision is in place to support their needs, whether and to what extent the SEN is relevant to the misconduct, as well as the involvement of multi-agencies.
11. Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.
12. Depending on the circumstances of the misconduct, the School may be obliged to make appropriate disclosures to third parties such as the Police or the Local Authority.
13. The standard of proof that shall be applied by the Head when reaching a decision to impose an exclusion shall be the civil standard, i.e. the balance of probabilities.

### Responsibilities of the Head

1. The Head alone (or his/her designate, if s/he is absent) has the power to exclude children.
2. In considering the exclusion of a child the Head should be satisfied that the following range of activities are carried out:
  - Undertake a reasonable investigation producing a written report of the investigation;
  - Consider all the relevant facts, circumstances and evidence to support the allegations which is made available to the Head at the time of making his decision;
  - Take into account any relevant policies of the School in force at the time of the Head's investigation, and any relevant legislation or guidance as identified in this Policy;
  - Check whether an incident appeared to be influenced or provoked by any form of discriminatory treatment
  - Ensure that all children involved have been given a reasonable opportunity to give their version of events;
  - Where appropriate, consult other relevant people or agencies;
  - Ensure time has been given to addressing and supporting the child's individual problems or needs within the capabilities of the School.
  - Before deciding to exclude a child permanently the Head will first consider and, if appropriate, try a range of strategies as outlined in the Behaviour Policy, including fixed term exclusion. Only when other strategies have been tried without success or ruled out in the circumstances as being inappropriate, will the Head consider permanent exclusion. If the misconduct is considered by the Head, in his absolute discretion, to be of sufficient gravity to warrant a permanent exclusion without implementation of other strategies, the Head shall be entitled to permanently exclude.
3. Any permanent exclusion will be confirmed in writing to the pupil's Parent(s)/carer(s) as soon as is possible. Reasons will be provided for the permanent exclusion.
4. In circumstances of a fixed term exclusion, the Head will aim for the shortest possible period of exclusion but, however brief, an exclusion plan will be made to:
  - enable the child to continue their education;
  - use the time to address the child's problems;
  - examine and determine the process of reintegration.
5. The Head will make sure that the Parent(s)/carer(s) are notified as soon as is possible of the period of the exclusion and the reasons for it by telephone which will be followed by a letter within one School day. An exclusion will normally begin on the next School day.
6. Letters about fixed period and permanent exclusions will explain:

- Why the Head decided to exclude the child;
  - The period of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
  - The arrangements for enabling the child to continue their education, including setting and marking the child's work, in the case of a fixed term exclusion;
  - Where the exclusion is for a fixed period of over 5 days, or results in the child having missed 15 or more days within a single term due to a series of fixed term exclusions within that term, or may result in a child missing a public examination, or is permanent, the parent(s)/carer(s) right to make written representations about the exclusion to the Advisory Body and how the child may be involved in this, and to request a hearing to review the Head's decision by the Advisory Body within 10 working days.
  - Where the fixed term exclusion is for 5 days or less, the right to make written representations to the Advisory Body within 10 working days.
  - Who the Parent(s)/carer(s) should contact if they wish to state their case – **the Chief Executive.**
  - The latest date the Parent(s)/carer(s) can provide any additional information which they wish to be considered by the Advisory Body;
  - Parent(s)/carer(s) right to see and have a copy of their child's record;
  - The letter should also enclose a copy of the School's Exclusion policy
7. If the Head wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the Head will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above. Where an exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Advisory Body of the School.

#### Informing the Chair of Governors and Local Authority

1. The Head will inform the Chair of Governors and the Local Authority of all permanent exclusions. Where a child resides outside the local authority in which the School is located, the Head must also notify the child's "home authority" of the exclusion without delay. The Governing Body will also be informed of any fixed term exclusion(s) which, individually or taken together, result in the child missing more than 5 days in a school term or which may interfere with a child's ability to take part in public examinations.

#### General responsibilities of the Chair of Governors

1. The Chair of Governors does not have the right to exclude a child. The decision to exclude is that of the Head. Should a request be made to the Chair of Governors to review the Head's decision, then the Chair of Governors's Advisory Body shall be entitled to review the decision and shall be entitled to either uphold the Head's decision or direct reinstatement of the pupil.
2. Where a hearing is required, the Chair of Governors's Advisory Body will consider representations from both the Head, parents / carers and, where appropriate, the pupil, about an exclusion by convening a panel of not less than three members of the Advisory Body.

3. A parent is only entitled to request that a panel be convened in the following circumstances:
  - Permanent exclusions;
  - Fixed period exclusions totalling more than five School days in any one term;
  - Any exclusion which would result in the loss of an opportunity to take any public examination.
  
4. When the panel meets, it will:
  - Consider all the circumstances in which the child was excluded;
  - Consider any representations about the exclusion made by the parent;
  - Consider any representations about the exclusion made by the Head Teacher;
  - Have regard to the School's Behaviour Policy, and consider whether the school has tried sufficient approaches to improve a child's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion;
  - Balance the interests of the individual pupil against the interests of the wider school community;
  - Consider whether the child should be reinstated immediately, reinstated by a particular date, or to uphold the Head's decision to exclude.
  
5. Such consideration will take account of the child's disciplinary record and the likely impact of their continued attendance.
  
6. The Panel may not attach conditions to the re-instatement of a child unless there is an overriding safeguarding requirement to do so.
  
7. Unless there are strong reasons for not doing so, the Panel should allow the excluded child to attend the meeting and present their case if the parent(s)/carer(s) and the child ask for this. Where it is not deemed appropriate to permit attendance by a child at a hearing, alternative strategies should be considered (for example, the production of a written statement) to enable the child's views to be heard.
  
8. The Clerk to the panel will be appointed by the Chair of Governors and shall be present in any hearing. The Clerk will not take any active role in the decision making process, but shall be present to act as an independent source of advice on procedure, to take an accurate note of the proceedings, and to assist in the administration of the proceedings generally.
  
9. Copies of the Clerk's notes can be provided on request.
  
10. The procedure adopted shall be at the discretion of the panel, but in general a hearing will adhere to the following format:

- The Clerk will circulate all written evidence supporting the Head's decision to all parties at least five School days in advance of the meeting. It is helpful if the documents are paginated for ease of reference in the hearing.
  - No late evidence will be permitted after this point without an application to the panel. It shall be at the Panel's discretion to permit late evidence.
  - The Panel will allow parents / carers and children to be accompanied by a friend provided that reasonable notice of this is provided. The panel will not allow legal representatives to attend the hearing. The Head may also attend with a representative if this is considered necessary, but generally will not do so if parents / carers are not represented.
  - Reasonable adjustments will be made for people with special needs, a disability or for attendees for whom English is not their first language, to support their attendance and contribution to the meeting. Notice of any special requirements should be provided to the Clerk in advance.
  - At the hearing, general introductions and housekeeping issues will be dealt with.
  - The Head will be given the opportunity to make a presentation to the panel about the reasons for the exclusion, and will be entitled to call any witnesses of fact where relevant.
  - The Panel will be permitted to ask questions of the Head.
  - Parent(s) / carer(s) will be permitted to ask questions of the Head.
  - Parent(s) / carer(s) will be given the opportunity to make a presentation to the panel about the exclusion, and will be entitled to call any witnesses of fact where relevant.
  - Where applicable, the pupil will be given the chance to make a statement (where a decision has been taken to not permit direct participation of a pupil, parents may have previously submitted a written statement instead).
  - The Panel will be permitted to ask questions of the Parent(s) / carer(s) and, where applicable, the pupil.
  - The Head will be permitted to ask questions of the Parent(s) / carer(s) and, where applicable, the pupil.
  - The Head will be given the opportunity to sum up.
  - Parent(s) / carer(s) will be given the opportunity to sum up.
11. Whilst the proceedings will be formal and every effort will be made by the Chair of Governors to ensure procedural fairness to all involved, it should be recognised that proceedings before the panel are not formal legal proceedings.
12. The standard of proof applied by the panel shall be the civil standard, i.e. the balance of probabilities.
13. If a decision of the panel is not unanimous, the decision will be made on a majority basis and the Chair of the panel shall have the deciding vote.
14. The panel will generally not provide any decision during the hearing and will instead deliberate privately and will, via the Clerk, provide a letter recording its decision and the reasons for it. This will ordinarily be provided within 10 days of the date of any hearing.
15. The decision of the panel shall be final and there will be no further right of appeal.



The Role of the Chair of Governors's Panel in Permanent Exclusions, Fixed Term Exclusions of over 5 days, or Fixed Term Exclusions resulting in the child having missed 15 or more days within a single term due to a series of fixed term exclusions within that term, or where the any Exclusion will cause the child to miss a public examination (even if less than 5 days)

1. The general procedure shall be as outlined above.
2. The Chair of Governors's Panel will consist of not less than three members of the Advisory Body, who will consider the views of the Parent(s)/carer(s) of an excluded child and the representations of the Head. They will decide whether to confirm the exclusion or direct reinstatement.
2. However, if circumstances are such that the period of a fixed term exclusion has been served before a decision is reached rendering reinstatement an ineffective outcome, then the Advisory Body's decision letter shall indicate that reinstatement would have been appropriate and the letter will be placed and kept on the pupil's file.
3. Where a public examination is concerned, if it is not practical for the Chair of Governors's Panel to convene in sufficient time, the Chair of the Panel (or a different panel member acting with the Chair's express delegated authority) will consider the exclusion. Alternative arrangements to allow an excluded child to take public examinations will be considered.
4. If the child is back at the College before the Chair of Governors's Panel meets, the meeting still enables the parent(s)/carer(s) to give their views. If the child is still excluded when the meeting takes place, the Chair of Governors's Panel should decide whether to direct re-instatement.

The Role of the Chair of Governors's Panel in Fixed Term Exclusions of 5 days or fewer

1. There is no right to a hearing in such circumstances. However, parents / carers are entitled to make written representations to the Chair of Governors.
2. Any written representations will be considered by not more than two members of the Advisory Body, in addition to any written representations made by the Head.
3. It shall be the responsibility of the Clerk to the Advisory Body to make arrangements for all relevant documentary information to be put before the Advisory Body as soon as is possible in the circumstances. A written response from the Advisory Body will be provided.
4. The Advisory Body shall have the power to uphold the Head's decision or direct reinstatement. However, if circumstances are such that the period of a fixed term exclusion has been served before a decision is reached rendering reinstatement an ineffective outcome, then the Advisory Body's decision letter shall indicate that reinstatement would have been appropriate and this letter will be placed and kept on the pupil's file.

### Time scales

1. This section sets out the time timescales for the panel's consideration of an exclusion.
2. In the case of a permanent exclusion, a fixed term exclusion of over 5 days, a fixed term exclusions resulting in the child having missed 15 or more days within a single term due to a series of fixed term exclusions within that term, where parents make a request for a Chair of Governors's panel to be convened the panel shall convene to review the Head's decision adopting the procedure outlined above not earlier than 6 school days and no later than 15 school days from the date of receipt by the Clerk of the written request for a review.
3. In the case of any exclusion which would result in a pupil missing a public examination, the panel must convene before the examination is to take place adopting the procedure outlined above if this is practicable. If it is not, in order to ensure expedition the case may be considered by the Chair of Governors alone or a different Advisory body member acting with the Chair of Governors's delegated authority if the Chair of Governors is not available.
4. Where a request for a written review is made in the case of an exclusion of under 5 days, a written response will be provided within a reasonable time frame from the date on which all relevant documents are provided to the panel by the Clerk, but generally within 10 days of this date.
5. For all other types of exclusions, where a hearing takes place a written response will be provided as soon as is possible from the date on which the hearing takes place, but generally within 10 days of this date.