



## EXCLUSION POLICY

**This is a whole-school policy, within the framework of which the Primary Phase and the Nursery policies operate as appropriate.**

Queen Elizabeth's Grammar School is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its pupils, students, staff, community and visitors to the school. Our expectations are for the School and its pupils, students, staff and visitors are:

- Encouraging high aspiration and a love of learning
- Contributing to a safe school environment
- Maximising progress and potential
- Showing tolerance, respect and fairness
- Providing rewarding learning experiences
- Listening to and respecting others' views
- Offering diverse opportunities
- Appreciating and embracing diversity
- Recognising and celebrating all achievement
- Being an active member of our school and local community
- Preparing for independence and future challenges
- Co-operating with others

This policy is underpinned by the commitment of all at Queen Elizabeth's Grammar School to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve. In this policy and the accompanying procedures the governing body aims to discharge appropriately its statutory duties as set out in The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012. (Appendix 1)

### **Introduction**

Exclusion is an extreme sanction and is only used by the Head (or, in the absence of the Head, the Deputy Head who is acting in that role). Before deciding whether to exclude a pupil/student either permanently or for a fixed period the Head will ensure that:-

- a) appropriate investigations have been carried out
- b) all the evidence available has been considered
- c) the pupil's/student's version of events has been heard

d) that statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account

Having considered these matters the Head will make a rational and proportionate decision on exclusion based on the balance of probabilities established. In reaching a decision, the Head, or Deputy Head will look at each case on its own merits and avoid a tariff system, ie, fixing a standard penalty for a particular action, as unfair and inappropriate.

Exclusion, whether fixed term or permanent **may** be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to pupil/student
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupil/student
- Sexually abusive language and/or behaviour
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Serious actual or threatened violence against another pupil/student or a member of staff.
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupil's/student's behaviour.

This is not an exhaustive list and there may be other situations where the Head makes the judgment that exclusion is an appropriate sanction. Exclusions can be either fixed term or permanent.

### **Fixed Term exclusion**

- A pupil/student will not be excluded for a period that exceeds 45 days in any one school year
- The school will, where applicable, make every effort to inform parents/carers of a fixed term exclusion decision before the end of the school session (the school office closes at 4.15pm) by telephone, email or text
- Parents/carers will be invited to a compulsory meeting. This will be followed up in all cases with a letter
- Parents/carers will be informed of the length of the exclusion, the reasons for the exclusion and their rights, including their right to make representations and who to contact if they wish to make representations/appeal about the exclusion

- When a pupil/student is required to be at home, parents/carers will be advised that the pupil/student is not allowed on the school premises or to be in a public place without good reason, and that daytime supervision is their responsibility, as parents/carers
- The letter will also make clear the date and time when the pupil/student should return to school for a reintegration meeting with a named Deputy Head

In deciding on exclusion and its duration the following factors will be considered:

- The nature and circumstances of the offence;
  - The previous history of the pupil/student;
  - Previous exclusions and disciplinary action;
  - The effects of the exclusion on other pupils/students and the pupil/student concerned;
  - The recommendations of the Head of Year and a Deputy Head;
  - The attitude and response of the pupil/student concerned;
  - The strategies already implemented to support the pupil/student.
- The school will continue to provide education for all pupils/students on fixed term exclusion and mark the work that is completed and returned to school
  - In reviewing the statement, if a pupil/student with a Statement of SEN is excluded the school will call an Interim Annual review seeking the advice of the LA
    - The school will plan the return and reintegration into school after fixed term exclusions with parents and pupils/students. This will be completed by a named Deputy Head
  - The Head will inform the Chair of Governors within one school day of any fixed term exclusions totalling more than five school days per term and each term of fixed term exclusions totalling fewer than five school days a term
  - According to Department for Education guidance school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer
  - The school will consult with the LA officers for any exclusion of more than five days in order that appropriate full time education and transport is arranged

### **Permanent Exclusion**

- The decision to exclude a student permanently could be taken by the Head in the following circumstances:-
  - (a) in response to a serious breach, or persistent breaches, of the School's Behaviour Policy;
  - (b) where allowing the pupil/student to remain in School would seriously harm the education or welfare of the pupils/students or others in the School
  - (c) That the School has exhausted all possible means of support and feels that it can no longer meet the needs of the pupil/student concerned or the needs of others if the pupil/student continues at the School.

- In the case of a permanent exclusion the same process as that for fixed term exclusions will be followed except the communication will make clear that it is a permanent exclusion
- The Head will inform the Chair of Governors and Local Authority within one school day of any permanent exclusions

## **Equality Act 2010**

The school will follow the guidance on the Equality Act 2010 published by the 'Equality and Human Rights Commission' in Section 5.4 entitled 'What equality law means for you as an educational provider' This guidance states that whilst a 'school must not discriminate against a pupil by excluding them from school', "it does not mean a school cannot exclude a pupil with a protected characteristic". The guidance recognises that "there may be occasions when it is appropriate to exclude a pupil with a protected characteristic" it stresses it is important that a school does not exclude 'because of' the protected characteristic.

## **Alternatives to Exclusion**

The School will work closely with other local secondary schools and sixth form providers to undertake managed moves where such a course of action would be of benefit both to the pupil/student and the two schools/sixth form provides concerned. The threat of a permanent exclusion will not be used as the means to persuade parents/carers to move their son/daughter to another school/sixth form provider.

## **Behaviour Outside School**

Pupils'/Students' behaviour outside School on school "business", for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the School's Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If pupils'/students' behaviour in the immediate vicinity of the school, or on a journey to and from school, or occurring when a pupil/student is not at School but is wearing School uniform, is inappropriate and meets the school criteria for exclusion, then the Head may decide to exclude.

## **Drug Related Exclusions**

In making a decision on whether or not to exclude for a drug-related offence the Head will have regard to the school's published policy on drugs and will also seek advice from a drugs advisory service.

## **Permanent Exclusion Appeal**

Where the parents/carers of a pupil/student subject to a decision for permanent exclusion wish that decision to be reviewed the parents/carers should complete an Appeal Permanent Exclusion form – as per Annex A and send it to the Clerk to the Governors requesting a review. The completed form must be sent to the School marked for the attention of the Clerk to the Governors and must be received at the School within seven school days of the decision to

exclude being notified to the parents/carers. Any request received after this period will not be accepted.

The request for a review must set out the matters the parents/carers would like to be reviewed together with documents that the parents/carers wishes the Review Panel to consider.

During the period from exclusion to the date of conclusion of the review procedure, the pupil/student shall be suspended and will be forbidden from entering School premises without the prior permission of the Head.

The Chair of Governors (or in their absence the Vice Chair) will call a meeting of a Discipline Committee to take place within 15 school days of receipt of the request for a review or as soon thereafter as reasonably practicable. The Discipline Committee Panel shall consist of three Governors. The Chair of Governors shall not be a member of the panel. A Panel Chair shall be appointed. The meeting is for the panel to consider whether to re-instate or not.

The parents/carers will be invited to attend and they may make written submissions to be considered at the hearing and/or may attend the hearing in person.

The Head and a Deputy Head may make written submissions to be considered at the hearing and/or may attend the hearing.

The Clerk to the Governors will prepare and send to the parents/carers and Head not less than five school days before the hearing a bundle of papers to be used at the hearing consisting of, where applicable, typed extracts of redacted witness statements, any written submissions and any other relevant documents. The Panel Chair may allow any documents not included in the bundle to be adduced at the hearing in his/her discretion.

The parents/carers and the Head may be represented at the hearing if they wish but this does not extend to legal representatives. The Clerk to the Governors will take minutes of the meeting.

The procedure to be followed at any hearing will be at the Panel Chair's discretion but shall normally be as follows. It is stressed that the aim is to make the hearing as informal as possible:-

1. the Head will present their case with any supporting witnesses.
2. the parents/carers may ask questions of the Head and/or their witnesses.
3. the parents/carers will present their case with any supporting witnesses.
4. the Head may ask questions of the parents/carers and/or their witnesses.
5. the Head will sum up the case for permanent exclusion.
6. the parents/carers will sum up the case for a review of the Head's decision.
7. at any time a member or members of the Panel may ask questions of the Head or the parents/carers

The Review Panel shall adjourn the hearing to consider their decision.

The decision of the Panel shall be that of the majority. The Chair of the Panel shall have a casting vote if the decision is split equally.

Following the hearing:

The Panel Chair shall, within two school days of the hearing or as soon as reasonably practicable thereafter, notify the Head and the parents/carers in writing that the Panel:-

- has upheld the Head's decision, or
- has decided to re-instate the pupil/student and allow them to return to School.

If the decision to re-instate is made the pupil/student returns to school. If the decision is to not re-instate and the Governors uphold the Head's decision then parents/carers have the right to request an independent review. A request for an independent review must be made, by parents/carers, within 15 school days of the meeting.

Updated by Mrs CY Gammon: April 2019

Approved by Board of Governors: April 2019

**Appeal Permanent Exclusion**

**Name of Pupil/Student** .....

**Tutor Group** .....

**I wish to request a commencement of the appeal process**

**Matters to be reviewed (please use a continuation sheet if necessary)**

**Documents to be reviewed (as attached)**

**Signed** .....

**Signed** .....

**Name of Parent/Carer**

**Name of Parent/Carer**

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**Date of Submission** .....