

# BRENTSIDE HIGH SCHOOL

## Exclusion Policy (Statutory)

### School Vision Statement

'Brentside High School challenges all to achieve excellence as lifelong learners with the highest expectations of themselves and others. No exceptions, no excuses.'

#### Introduction

The Governing Body and Headteacher of the School are responsible for promoting good behaviour and discipline on the part of the School's students and for securing an orderly and safe environment for students and staff. The school Behaviour and Discipline Policy and practice and Code of Conduct require students to be considerate and to show respect for other members of the school community and their needs and rights.

1. Exclusion of a student is an action that is taken by the Headteacher, or the person acting as the Headteacher at the time, in response to serious infringement of the School Behaviour and Discipline Policy and practice.
2. The Governing Body Discipline Committee, Headteacher and staff will ensure that there is not differential application of the policy and procedures on any grounds, particularly ethnic or national origin, culture, religion, gender, disability, socio-economic group or sexuality.
3. Exclusion will be used as a last resort in cases of continued poor behaviour when other sanctions have proved ineffective. Alternatively, it will specifically be used in the following circumstances:
  - in response to a serious breach or breaches of the school's behaviour policy;
  - when a student has committed a single misdeed of a very serious nature ;
  - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school (either staff or students);
  - when the presence of a student in teaching groups constantly hinders teachers' teaching and students' learning.

There could be other circumstances when the headteacher considered the exclusion of a student to be necessary, for example whilst investigations are pending.

Exclusion will not be used to address:

minor incidents  
poor academic performance  
lateness/truancy  
pregnancy  
breaches of school rules on uniform/appearance ( unless these are persistent and in open defiance of such rules)  
the unacceptable behaviour of a student's parents

Exclusion will not be used if there are possible alternative solutions available, unless these have been used and been unsuccessful. These could include:

- **Restorative justice**, enabling the offender to redress the harm that has been done to a 'victim'

- **Mediation**, which may lead to a satisfactory outcome, particularly where there has been conflict between two parties
- **Inclusion (internal exclusion)**, where the student is removed from class but not from the school premises
- A **managed move**, whereby the school could ask another school to admit the student, if there is full knowledge and co-operation of all the parties involved. However, the threat of exclusion must never be used to influence parents to remove their child from the school. (see Ealing's Managed Move Protocol)

## **Types of exclusion**

There are three types of exclusion:

- **Permanent** – The student will not return to the school
- **Fixed term** – This is a temporary exclusion of between 1 and 45 school days in length
- **Lunchtime** – This is a form of fixed-term exclusion where the student is excluded from the school premises for one or more lunchtimes.

### **Permanent exclusion**

Permanent exclusion will only be used as a final step when a wide range of other strategies has been tried and failed. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child.

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

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Involvement with an offensive weapon

These instances are not exhaustive but indicate the severity of such offences and the fact that behaviour can affect the discipline and wellbeing of the school community.

### **Fixed term exclusion**

Although the law allows for a headteacher to exclude a student for up to 45 days in a school year, exclusions will be for the shortest time necessary. Where it is clear that fixed-term exclusions are not being effective in deterring poor behaviour, the headteacher will consider alternative strategies for addressing that behaviour.

A fixed-term exclusion does not have to be for a continuous period.

### **Lunchtime exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period, this is a fixed-term exclusion counted as one half of a school day (1 session).

### **Reintegration meeting**

The school will arrange a reintegration meeting with the parent(s) during or following the expiry of any fixed-term exclusion. The purpose of the reintegration meeting is to assist the reintegration of the student

and promote the improvement of his or her behaviour. The student should normally attend all or part of the meeting and at least one of the student's parents is expected to attend. The meeting will be conducted by the headteacher or a senior member of staff and if possible, will be held on the day the student returns to school.

At this meeting a contract between the school, the parent/carers and the student will be drawn up.

### **The Governors Review Meeting**

#### **Purpose**

The governing body is responsible for reviewing the headteacher's decision to exclude a student permanently or for a long fixed-term and deciding whether to direct re-instatement, where that is a practical option. The governing body is also responsible for considering any representations made by the parents of excluded students following shorter fixed-term exclusions.

#### **The governing body**

The governing body can delegate some or all of its functions in respect of exclusions to a sub group of governors who would be available to participate in Governors Review Meetings. A minimum of three governors are required for a Governors Review Meeting to take place.

The governing body may nominate a larger pool of governors to draw from in view of the strict deadlines within which Governors Review Meetings must be held.

Any governor with a connection to the student, or knowledge of the incident that led to the exclusion that could affect their ability to act impartially, will not serve at the hearing.

Governors called upon to review exclusions will receive training to equip them to discharge their duties properly.

#### **The decision**

In reaching their decision the governors will consider:

- Representations made by the parent, the student and the LA representative.
- Whether the head teacher has complied with the exclusion procedure and has had regard to the Secretary of State's guidance before deciding to exclude the student.
- Whether on the balance of probabilities the student did what he or she is alleged to have done.

Where reinstatement is not practical, i.e. where the student has already returned to school at the end of a fixed-term exclusion, the outcome of the Governors Review Meeting will be added to the student's school record for future reference.

If the governors direct re-instatement they should discuss with the LA representative what support could be made available to help to ensure that the student is successfully re-integrated.

In the case of permanent exclusions the student will remain on the school's roll until all appeal procedures have been completed, the deadline for appeal has passed or the parent has waived their right to appeal and informed the LA accordingly.

#### **Independent Reviews of a Permanent Exclusion**

Where the Governors Discipline Panel upholds the permanent exclusion of a student, the parent (or student if 18 or over) has the right of an independent review. This must be applied for, in writing, stating the grounds for the review, and sent to the LA.

No such request may be made by the parent after the fifteenth school day after the day on which the parent was given notice in writing of the discipline committee's decision.

## **Exclusion Practice**

The Headteacher will follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions. (*Improving behaviour and attendance: guidance on exclusion for schools and Pupil Referral Units {Sept 2007}, Education Act 2002 as amended by the Education Act 2011 and Statutory Instruments 2008 DFE Statutory Guidance – exclusion from maintained schools from September 2012*)

### **Decision**

The decision to exclude will not be taken in the “heat of the moment”, unless there is an immediate threat to the safety of others in the school or the student themselves. Before reaching a decision as to whether to exclude the head teacher will:

- Ensure that a thorough investigation has been carried out.
- Consider all the evidence available to support the allegations, taking into account the school's behaviour and equal opportunities policies, and where applicable the Equality Act 2010 as amended.
- Be satisfied that, on the balance of probabilities, the student did what he/she is alleged to have done.
- Allow and encourage the student to give their version of events.
- Check whether an incident may have been provoked, for example by bullying (including homophobic bullying) or by racial/sexual harassment.
- Consult others if necessary.
- Keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the student concerned. (Witness statements must be dated and should be signed, wherever possible.)

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the head teacher may exclude the student. The 2012 guidance removes the need for there to be more convincing evidence the more serious the allegation.

The headteacher may choose to withdraw the exclusion at any time prior to it being reviewed by the governors.

### **Notification of parents**

Whenever a head teacher excludes a student, the parent will be notified immediately, ideally by telephone, followed up by a letter on or within one school day. In order that the parent can comply with the regulations regarding days 1 to 5 of an exclusion, the school will also immediately inform the parent that the student is not to be in a public place without reasonable justification.

All exclusion cases will be treated in the strictest confidence, only those who need to know the details should be informed of them.

Where a parent does not speak or have a good understanding of English, the school will offer assistance with translation into their mother tongue.

In exceptional cases, usually where further evidence has come to light, a fixed-term exclusion [given 'pending further investigation'] may be extended, or converted to a permanent exclusion, a second letter should be sent to the parents explaining the reasons for the extension/change.

### **Days 1 to 5 of a permanent exclusion**

The school must ensure that the parent is fully informed of their duties in the first five days of an exclusion and of the school day from which the student will be provided with suitable alternative education by the LA. During the first five school days, the school should send work home for the student to complete.

Parents must ensure that the student is not present in a public place during school hours without reasonable justification. Parents can be prosecuted, or given a fixed penalty notice of £50 if they fail to do this. The student may also be removed from the public place by the police and taken to designated premises. If the LA is advised that a parent has failed to comply with supervision requirements during the first 5 school days of a permanent exclusion, the LA School Attendance Service will take further action if, after enquiries / evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed.

### **Day 6 of permanent exclusion**

The LA is statutorily responsible for ensuring that full-time provision is made for all permanently excluded Ealing resident students from the sixth school day of the exclusion unless the student is in the final year of compulsory education and had already taken (or missed) their public examinations.

### **Days 1 to 5 of a fixed term exclusion**

The school will ensure that the parent is fully informed of their duties in the first five days of an exclusion.

During the initial period of up to five school days, the parents of the excluded student must ensure that he or she is not present in a public place during normal school hours without reasonable justification. Parents can be prosecuted, or given a fixed penalty notice of £50 if they fail to do this. The student may also be removed from the public place by the police and taken to designated premises. If the LA is advised that a parent has failed to comply with supervision requirements during the first 5 school days of an exclusion, the LA School Attendance Service will take further action if, after enquiries / evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed.

The school will ensure that work is set for the student to complete during the first five school days of exclusion and that it is marked, unless during that time the student will be attending alternative provision (arranged on a voluntary basis by the school).

### **Day 6 of a fixed term exclusion**

Where a student is given a fixed-term exclusion of six school days or longer, the school will arrange suitable full-time educational provision from and including the sixth school day of the exclusion and monitor the student's attendance at this. (The school is not required to provide full-time education from day six of a lunchtime exclusion, lunchtime exclusions are not affected by the regulations.)

**The school will inform the LA of all exclusions.**

### **Exclusion procedures**

The LA must be informed of an exclusion within one school day where the exclusion totals > 5 days in a term. *The LA should be informed as soon as possible of exclusions of 5 days or fewer in a term. (Form EXF).*

### **Marking attendance registers following exclusion**

Where students are excluded for a fixed-term and no alternative provision is made before the sixth day of exclusion for them to continue their education, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the student registration regulations and students attend it, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration). Students who are permanently excluded and for whom no alternative provision is made before the sixth day, should be

marked by the school as absent using Code E, the student may not be taken off-roll until the appeal process has been completed.

## **APPENDIX**

**Exclusion and associated procedures summary (extract from Ealing's guidance for schools and governors re exclusions) model letters**