
SAINT NICHOLAS SCHOOL

EXCLUSIONS POLICY

Note: This policy applies to all sections of the school including EYFS

Reviewed September 2017

Review Date September 2019

1. POLICY STATEMENT

Parents' choice of this school is guided by their expectations of how we should perform. It is also true that in order to meet these expectations, we require certain standards to be maintained in the school. The school requires everyone to show respect, tolerance and understanding towards others.

Disciplinary procedures identify the appropriate action to be taken when a pupil's behaviour fails to meet the requirements of the School's Behaviour Policy.

The School will advise the police of any criminal activity.

2. WHO DOES THIS POLICY APPLY TO?

This applies to all School pupils.

3. WHO IS RESPONSIBLE FOR CARRYING OUT THIS POLICY?

The implementation of this policy will be monitored by the governors of the School and remain under review by the Senior Leadership Team.

4. WHAT ARE THE PRINCIPLES BEHIND THIS POLICY?

The School is committed to treating its pupils fairly and with the same respect and consideration as adult members of the School.

The School will adopt a series of high expectations of behaviour based on individual responsibility and mutual respect in order to generate an environment where positive relationships between pupils, and staff and pupils, are encouraged to flourish.

The School will seek to put in place a range of intervention strategies which minimise the need for fixed period exclusions or permanent exclusions. These may include being placed on report, detentions, internal exclusion, pastoral support programme and the involvement of appropriate external agencies. At all times there will be close liaison with parents.

Decisions to exclude a pupil for a fixed term period will only be taken for two reasons:

- on the balance of probabilities in response to breaches in the School's policy on behaviour and discipline, including persistent and disruptive behaviour.
- as part of the school's procedures on sanctions relating to the demerit system.

Fixed term exclusions will be used where

- the incident requires a greater sanction than may be imposed under the range of intervention strategies outlined above.
- it is not serious enough to warrant permanent exclusion.

Decisions to permanently exclude a pupil will only be taken in response to

- serious breaches of the School's policy on Behaviour and Discipline AND if the decision for the pupil to remain would, in the opinion of the Head, jeopardise the education or welfare of another pupil or pupils.
- an offence where such behaviour can affect the discipline and well-being of the whole school for example:
 - serious actual or threatened violence against a pupil or a member of staff
 - sexual abuse or assault

- supplying or inciting the use of controlled drugs, or being in possession of them with intent to supply either in or out of school
- using or encouraging the use of controlled drugs or being in possession of them either in or out of school
- carrying an offensive weapon.

5. PROCEDURE

Only the Head (or acting Head) may take the decision to exclude a pupil after consideration of all the evidence following a thorough investigation.

A thorough investigation may include the following:

- asking the pupil to write a statement outlining his/her involvement in the incident as soon as practicable. Where appropriate the statement should be signed and dated.
- interviewing a pupil, making a written transcript recording each of the questions asked and responses given.
- obtaining written witness statements from other pupils and teachers which should be signed and dated where appropriate.

In some cases, it may be necessary to refer incidents to Children's Services or the Police (e.g. criminal activity or child protection issues). In such cases, the school will be guided by the requirements of those agencies and may require a pupil not to attend school. The school will continue to provide education in such circumstances and will review the authorised absence from school on a regular basis.

5.1 Notifying parents

When the decision to exclude a pupil has been made the parent will be notified immediately by telephone and this will be confirmed in writing by email within 1 school day, and by hard copy letter within three school days.

Written confirmation of the exclusion will include the following details:

- for a fixed term exclusion the precise period of the exclusion
- for fixed term exclusion the date and time the pupil should return to the School.
- for a permanent exclusion the fact that it is a permanent exclusion and the date from which the exclusion takes effect - the reasons for the exclusion including any relevant previous history
- the parent's right to make representations regarding the exclusion through the appeal procedure
- the person in the School who the parent should contact if they wish to make representations

5.2 Notifying governors

The Head will inform the Governing Body of all exclusions at least once per term.

The Head will inform the Chair of Governors within one school day of all permanent exclusions or fixed term exclusion which would result in a pupil being excluded for more than five school days in a term. This notification will include the following:

- the pupil's name
- the length of the exclusion
- the reason for the exclusion
- the pupil's age, form class, gender and ethnicity
- if the pupil has a Statement of Special Educational Needs
- if the pupil is looked after

5.3 Appeals

Parents have the right to appeal against a fixed term or permanent exclusion made by the Head. To do so, parents must lodge an appeal in writing with the clerk to the governors no later than 10 school days after receipt of the letter informing parents of the exclusions. Any appeal received after the latest date for lodging appeals may be rejected by the School.

Where an appeal is received, the School will convene an appeals panel as per the School's Complaints Policy. The persons selected will have had no direct involvement in the exclusion. One member will be independent of the management and running of the school. The other two members shall be governors of the school. The panel will be supported by a clerk.

An appeals panel will meet to consider the appeal no later than the 15th school day after the day on which the appeal is lodged.

The panel may agree to adjourn the hearing if, after having regard to the particular circumstances, it considers it would not be appropriate for it to proceed to determine the outcome. This may arise from circumstances where further information is required or the parent requests a hearing after the 15th school day following the lodging of the appeal.

Prior to the hearing, both parties (the School and the parents) must provide to the clerk all relevant evidence and documentation upon which they intend to rely at the hearing. The documentation will be provided to the panel and shared with both parties. New evidence may be presented at the hearing however the panel may, in the interests of fairness, adjourn the matter to allow proper consideration of such material.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friends. Legal representation for either party will not normally be appropriate. If legal representation is required by either the parent or the school, notification of this must be made to the other party within two days of notification of the date of the hearing.

The role of the appeal panel is to make a fresh decision on the exclusion. In coming to their decision, the panel will consider

- whether, on the balance of probabilities, the pupil has done what is alleged; and
- whether exclusion is a proportionate response to the incident. In looking at this element, the panel will consider the actions taken by the school in relation to the pupil, the pupil's past history, how the School's policies have been implemented as well as balancing the needs of the pupil against the needs of the school community as a whole.

The appeal panel may:

- uphold the decision to exclude; or
- direct immediate reinstatement with a specified date for return

In cases where an appeal is heard, is lodged, or heard after a fixed term exclusion has expired and the pupil has returned to the school, the appeal panel may:

- uphold the decision to impose a fixed term exclusion; or
- decide that fixed term exclusion was not a proportionate response in all the circumstances of the case and recommend that the pupil's record is amended to show this fact.

The appeal panel is independent and the decision is binding on the parent and the School

The appeal panel will inform all parties of the outcome by the end of the second working day after the hearing outlining the reasons for the decision, giving clear information about the behaviour and offences.

Where the appeal panel recommends reinstatement the panel must immediately inform the Head specifying the date by which the pupil must be readmitted. The pupil's record will be amended accordingly.

6. EXCLUSIONS: PRACTICAL DETAILS

The pupil may no longer enter the school premises nor take part in any school organised activities. An exception may be made for a senior pupil during the GCSE public exam period but only under conditions of strict supervision.

All items of school owned equipment must be returned within one week of the permanent exclusion beginning – or within one week of the Appeal’s panel confirming the exclusion.

The school will provide a suitable reference (which will specify that a permanent exclusion has been made) on request to a new educational establishment or prospective trainer/employer.

(N.B. Reference to ‘school days’ throughout this policy should ordinarily be taken to mean Monday to Friday during school term times. However, with the agreement of all parties, and in the interest of a speedy but well considered conclusion, the same timescale should also apply in holiday times should an issue spill over beyond the end of a term. Thus, ‘school days’ becomes ‘working days’ (Monday through to Friday) in holiday times.)