



**Carshalton High School for Girls**

***Exclusion Policy***

Carshalton High School for Girls is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its students, staff, community and visitors to the school. Our School is committed to the philosophy and practice of inclusion. Our expectations are summarised in our school values of Community, Harmony, Success and Growth.

## **Rationale**

This policy is underpinned by the commitment of all at CHSG 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. This policy should be read in conjunction with our Good Behaviour Policy.

We aim to provide a stimulating learning environment that varies according to the age of the learner across the whole curriculum. We aim to be in a position to maximise individual potential and ensure that students of different ability levels and attitudes to learning within our context, and staff at differing stages in their career are well equipped to meet the challenges of education, work and life.

This will be achieved by:

- Designing a curriculum to promote a full range of learning, thinking and life skills
- Providing a broad, balanced relevant and challenging curriculum
- Using flexible and responsive teaching and learning styles linked to an understanding of assessment for learning practices and higher order questioning skills
- Equipping students with the skills, knowledge and attitudes necessary to fulfil their potential and develop as forward thinking and resilient members of society
- Developing a close partnership within and with the whole community, including all stakeholders

In this policy and the accompanying procedures the Governing Body aims to discharge appropriately its statutory duties as set out in the DfE document 'Exclusion from maintained schools, Academies and pupil referral units in England' (2012) and also taking into consideration the guidelines of the Equality Act (2010).

## **1. Introduction**

1.1 Exclusion is an extreme sanction and is only used by members of Senior Leadership Team (SLT) as a very last resort. Any decision to exclude a student must be lawful, rational, reasonable, fair and proportionate. Before deciding whether to exclude a student either permanently or for a fixed period, all members of SLT will ensure that:

- a) Appropriate investigations have been carried out
- b) All the evidence available has been considered
- c) The student's version of events has been heard
- d) That statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account.

1.2 In reaching a decision, each case will be looked at based on its own merits and the following will be taken into account:

- Possible short term mitigating circumstances such as bereavement, mental health issues etc.
- Whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g. students with SEN, FSM students; looked after children; certain ethnic groups; traveller children) and whether all preventative strategies have been fully utilised.
- Whether a student has already had a number of fixed term exclusions which appear to be ineffective.

1.3 Having considered these matters, a decision on exclusion will be made based on the balance of probabilities established and a tariff system i.e. a fixed standard penalty for a particular action will be avoided.

1.4 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's Good Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to student
- Bringing the school into disrepute
- Physical abuse to/attack on staff
- Physical abuse to/attack on 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 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 student's behaviour.
- Non attendance at SLT Friday

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction. Students are representatives of the school and are expected to behave in an appropriate manner whilst wearing the school uniform.

Therefore, instances of unacceptable behaviour do not necessarily need to take place in school or during school hours; for example educational visits and journeys, school sports fixtures, travelling to and from school or a work experience placement are also subject to the School's Good Behaviour Policy.

## **2. Exclusions can be Internal, Fixed Term or Permanent.**

### 2.1 Internal Exclusion

- This is used for a range of offences, to an on-site Exclusion Unit
- Internal exclusion can only be implemented by designated staff, including the Senior Leadership Team and by Middle Leaders for mobile phone use
- When placing a student into the Exclusion Unit, the member of SLT (either attached to the curriculum or year) setting the sanction will ensure that parents have been contacted, the incident has been recorded on SIMS and will contact the relevant member of support staff know to liaise with EU staff
- A letter will be sent to the parents confirming the internal exclusion
- Exclusion to the unit will be from 8.35am to 4pm
- Students will hand in their mobile phone on arrival
- Internal exclusion can be used for repeat offenders and although there is no set limit of days per year, more serious sanctions will be considered should a student continue to gain behaviour points

## 2.2 Fixed Term Exclusion

- A student will not be externally excluded for a period that exceeds 45 days in any one school year
- The school will make every effort to inform parents of a fixed term exclusion before the end of the school session (the school office closes at 4.30pm) by telephone or email. 'Holding' arrangements until the student can be collected may be necessary. Students can be sent home if parental permission has been granted
- This will be followed up in all cases with a letter from the Headteacher.
- Parents 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 about the exclusion
- Where the excluded student is of compulsory school age, the school will also notify parents that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice if they fail to do so
- The letter will also make clear the date and time when the student should return to school for a reintegration meeting
- The school will continue to provide education for all students on fixed term exclusion and mark the work that is completed and returned to school, in accordance with the marking policy
- The school will plan the return and reintegration into school after fixed term exclusions with parents and students. For exclusions of up to 3 days this reintegration will take place with the Year Leader of the student. For exclusions in excess of 3 days this will be undertaken by the Senior Leader for the student. At this meeting targets will be agreed in consultation with parents and the student
- The Headteacher will notify the Chair of Governors of all fixed term exclusions and the figures for exclusion will be forwarded to the LA on a termly basis
- According to Department for Education guidance the school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.
- If the school decides to exclude for a period of more than 5 days, the school will organise alternative provision for the student which may include off-site provision at another school as a reciprocal arrangement

## 2.3 Permanent Exclusion

The decision to exclude a student permanently could be taken by the Headteacher in the following circumstances:

- a) In response to a serious breach, or persistent breaches, of the School's Good Behaviour Policy
- b) When the student has undertaken all support measures that the school can provide and breaches of the Good Behaviour Policy still remain
- c) Serious actual or threatened violence against another pupil or a member of staff
- d) Sexual abuse or assault
- e) Supplying illegal drugs
- f) Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules
- g) Where allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School

In the case of a permanent exclusion the Headteacher will immediately inform the Local Authority using a Vulnerable Pupil Panel referral form and supply contact details of the parent/carer

A meeting will be convened of the Exclusion Panel of the Governing Body between the 6<sup>th</sup> and 16<sup>th</sup> school day from the exclusion date at which the Panel will decide whether or not to uphold the Headteacher's decision.

The conduct of the meetings will follow the process outlined below (Conduct of the Meeting)

### **3. Equality Act 2010**

3.1 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'

3.2 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".

3.3 The guidance recognises that whilst "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.

### **4. Informing Other Bodies**

4.1 For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the Headteacher will also:

- Notify the Local Authority (LA) giving the details of the exclusion(s) and reasons
- Notify the Chair of Governors giving the same details
- For a permanent exclusion, if the student lives outside the local authority in which the school is located, the Headteacher must also inform the 'home authority' of the exclusion without delay.
- If any exclusion of even one day would cause a student to miss a public examination, the Head Teacher will inform the LA and the Governing Body

### **5. The Powers of the Governing Body**

5.1 The Governing Body may review all the various categories of exclusions and will consider any representations made by the parents of the excluded student. If the student is aged 18 or over, they may represent themselves provided there is parental agreement.

5.2 The Governing Body has no power to increase the severity of an exclusion. It can, however, uphold an exclusion or direct the student's reinstatement, either immediately or by a particular date. However, in the case of fixed term exclusion that does not bring the student's total number of days of exclusion to more than five days in a term the Governing Body cannot direct reinstatement and is not required to arrange a meeting with parents.

### **6. Discipline / Appeals Committee**

6.1 The Governing Body has established an Exclusion Panel to which it delegates its functions in respect of exclusions. (Hereafter referred to as 'the panel')

- The committee consists of at least three governors
- A clerk to the Exclusions Panel is also appointed
- The panel can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one
- If one of the committee has knowledge of the student(s) involved in the exclusion, or of the incident that led to that exclusion that could affect his/her impartiality, he/she should step down

- If the exclusion could result in a student missing a public examination, the panel will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors will consider the exclusion and decide whether to re-instate the student (these are the only circumstances in which the Chair alone will review an exclusion). When this occurs, the parents also have the right to make oral representations. If possible, the Chair of Governors will have the advice of the clerk or an LA officer. The committee or Chair of Governors may agree to allow the student back on to the school premises for the sole purpose of sitting an examination but they are not obliged to do so

## **7. Convening an Appeal Meeting**

### 7.1 Fixed Term Exclusions of 5-15 Days

If the parents of an excluded student makes written representations:

- The panel will consider them
- No statutory time limits apply to the consideration of such exclusions
- The panel has the discretion to agree to a meeting to discuss the exclusion, if this is requested by the parents
- In the case of a fixed term exclusion of more than 5 but not more than 15 school days, the panel, once having agreed to hold a meeting will hold that meeting between the 6th and the 50th school day after receiving notice of the exclusion from the Headteacher

### 7.2 Longer Fixed Term Exclusions and Permanent Exclusions

- Should the exclusion be for more than 15 days, or the total of fixed term exclusions be more than 15 days that term, or if the exclusion is a permanent one, the panel has a duty to convene a meeting to be held between the 5th and the 16th school day after the date of receipt of a notice to consider the exclusion
- The parents, the Headteacher (and an LA officer if the school chooses) will be invited to the meeting at a time and a place convenient to all the participants within the statutory time limit
- The parent and the school may each be accompanied by a friend/advisor
- The committee will ask for any written statements including witness statements in advance of the meeting
- The clerk will circulate in advance of the meeting any written statements and a list of those who will be present at the meeting to all parties including the student if it is known that he/she will be present.

### 7.3 Prior to the meeting the Governing Body should;

- Not discuss the exclusion with any party outside the meeting
- Identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf

## **8. Conduct of the Meeting**

### 8.1 The meeting will be conducted as follows:

- No party to the review will be alone with the panel before, during or after the meeting
- The clerk makes all introductions and explains the reason for the meeting and the powers held by the committee either to uphold an exclusion or re-instate the student
- The school representative, usually the Headteacher, will present the school's case

- He/she can be questioned by all the other parties
- The parents will be asked to give their reasons for appealing or put forward the case for their child in the event of a permanent exclusion
- Very often it is the friend/advisor (who may well be a lawyer) who presents the parents' case
- The parents and the student, if present, will still be asked if they have anything to add
- The other parties may question the parent and /or comment on what the family has said
- If present, the LA representative will provide information on support for students in the LA and how similar incidents have been dealt with by other schools, and can be questioned on these, but may not comment on the specific case being discussed
- The school sums up its case
- The parents or their representative sum up their case
- All the parties except the panel and the clerk leave

The panel will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the student. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

## **9. The Decision- Fixed Term Exclusions**

9.1 The clerk may help the panel in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards. In reaching that decision, the panel should be mindful that the government does not allow that exclusion is justified for:

- A breach of uniform or appearance, except for persistent defiance
- Minor incidents such as failure to complete homework or to bring in money owed
- Poor academic work
- Lateness or truancy
- Pregnancy
- Misdeeds by a child who has Special Educational Needs, except for very serious offences

9.2 In the case of fixed term exclusion, it is possible that the exclusion may already have expired and the student is back in school. In that case:

- The committee will decide whether the Headteacher's decision to exclude the student was justified, based on the evidence
- The outcome should be added to the student's record for future reference

9.3 In rare cases, the parents may have already decided that they do not want their child reinstated whatever the committee's decision. Under those circumstances, the panel should simply record whether or not they believed that the Headteacher's decision was justified. This view should be recorded and sent to the parents.

If the fixed term exclusion is still operative:

- The panel will decide whether or not the Headteacher's decision to exclude was justified
- They can either uphold the exclusion, which will have to run its course, or
- Direct the student's reinstatement either immediately or on a named date

9.4 The panel through the clerk must inform the parents and the Headteacher of their decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the Headteacher to reinstate the student.

The school has in place established procedures both for the return to school of a student whose fixed term exclusion has been upheld, and for the reinstatement of a student whose exclusion has been overturned. On their return, a meeting with the Headteacher or another senior member of staff, responsible for the student welfare, along with their parents.

## **10. Permanent Exclusion**

10.1 When the panel decides to uphold a permanent exclusion, a letter to the parents (or to the student if aged 18 or over) will state:

- Their reason for the decision
- The right of the family to appeal to an Independent Review panel, together with the name and address of the person to whom any request for a review should be sent
- The date by which any request for a review should be lodged
- That any request for a review must set out the grounds on which the request is made
- That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a First Tier Tribunal or a County Court.

10.2 If the panel decides to overturn the exclusion, again as with fixed term exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the Governing Body's views on the exclusion will be placed on the student's school record with copies of relevant papers.

## **11. Independent Review Panels**

11.1 Parents can request a review of the decision by the Governor's Exclusion panel to uphold a permanent exclusion. An independent panel can uphold an exclusion but cannot overturn the decision of a Governors' panel. The panel can recommend that the Governing Body reconsiders its decision, taking account of the findings of the panel. If the panel has grounds for believing that the governors' decision was flawed, they can direct the Governing Body to reconsider their decision.

11.2 The School may appoint a clerk to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions.

11.3 The School must ensure that all panel members and clerks have received training within the two years prior to the date of the review.

11.4 If requested by parents, the School must appoint an SEN expert to attend the panel and will cover the associated costs of the appointment (regardless of whether the school recognises that a student has SEN).

## **12. Follow Up**

12.1 Where an application for an independent review has been made within 15 school days the student will remain on the school roll until the review has been held and its outcome known.

12.2 The Headteacher will, however, remove the name of a permanently excluded student from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governing Body's decision to uphold the permanent exclusion.
- The parents have stated in writing that they will not be applying for an independent review

If the parents go on to make a discrimination claim which is upheld by either a First Tier Tribunal or the County Court, the student must be re-instated.