

## Exclusions Procedure

**Revised:** January 2022

Exclusion is an ultimate behaviour sanction. It means the removal of a student from the school premises either temporarily or permanently.

Reasons for Exclusion may include:

- Physical assault against pupils or adults
- Verbal abuse/threatening behaviour against pupils or adults
- Bullying – especially if it is severe or persistent (including cyber)
- Racist abuse
- Sexual misconduct (including sexual harassment)
- Drug and/or alcohol misuse
- Damage to property
- Theft
- Persistent disruptive behaviour
- Persistent disregard for school rules
- Dangerous or inappropriate behaviour
- Low attendance

The school's policy on exclusions covers conduct outside of school time and off school premises, where such conduct might be considered to harm the school's reputation.

In so far as is possible for a small school and following the rules of natural justice, a different person or persons will conduct each stage in the school's exclusion process. Please refer to the behaviour policy regarding temporary exclusions that may be implemented with immediate effect.

There are three main stages to the Exclusions Process, summarised here and then laid out in detail below:

### 1. INVESTIGATION

Carried out by one or two staff members, including the most relevant and no more than one member of management team. Ideally, a member of staff with administrative capacity will be involved at this stage, so as to not over-burden those who are teaching.

### 2. EXCLUSION HEARING

Conducted by one (or two) members of management team, not including any member of management team involved in the investigation, so as to avoid their impartiality at the hearing being compromised

### 3. APPEAL

Conducted by the trustees.

## DETAILED EXCLUSION PROCEDURE:

### 1. INVESTIGATION

To be carried out by two staff members, including the most relevant and a DSL. Ideally, a member of staff with administrative capacity will be involved at this stage, so as to not over-burden and to support those who have teaching responsibilities, and ideally one of whom will not be a member of management team.

#### a) Investigation to involve

- The nature of the allegation(s)
- Informing the pupil of the case against him or her
- Establishing what information is available & what further information may be required
- Assessing whether anyone is at risk and whether the police or social services should be informed, for example
- Deciding whether additional support is needed (e.g. DSL involvement)

#### b) Information gathering:

- Ensure statements are taken from all pupils and staff who were involved in or who witnessed the incident (s)
- Statements should be written up and then read, signed and dated by the witnesses
- A neutral member of staff (e.g. school secretary) should be present at the interview with the accused pupil
- Those involved in an incident should be kept apart as far as is reasonably possible, and told NOT to discuss it with other pupils.

#### c) Informing parents

- Parents will generally be informed *after* initial investigations have been made but sufficiently in advance of the hearing

## 2. EXCLUSION HEARING

Conducted by one (or preferably two) members of management team, not including any member of management team already involved in the investigation, so as to avoid their impartiality at the hearing being compromised.

### Attended by:

- The accused pupil
- Parents of the above
- Note taker
- Any witnesses who are not other pupils (rely on written statements re: pupil witnesses)
- Members of staff who carried out the investigation

#### a) Before the hearing:

The school will notify the accused pupil and parents (any with parental responsibility), of the hearing, in writing. The letter should set out precisely:

- The allegations
- Practical details – time, date, place, purpose

Then in the same or a subsequent letter, the school will:

- Circulate the evidence
- Ask for written submissions from pupils and parents
- Make sure all parties have sufficient time to prepare
- Circulate all further evidence produced by pupil/parents, ideally 5 working days before the hearing.

#### b) At the hearing:

Minutes will be taken. Audio recording will not be permitted.

Legal representatives will not be permitted to attend the hearing.

The parent(s) may request to bring along a supporter who is not legally qualified.

### Hearing procedure:

- Management team member will explain the purpose of the hearing and set out how it will be conducted and the roles of those present.
- The school will present its case and any witness statements read aloud.
- Pupil/parents invited to ask questions
- Pupil/parents to present their case
- Management team member should ask questions of pupil/parents
- The hearing will be adjourned

c) Deciding to exclude

The management team members conducting the hearing may decide to exclude if they conclude:

- The **Burden of Proof has been discharged** – that is that it must be more probable than not, that the pupil did what was alleged.
- That a **Decision to Exclude is Fair** because:
  - i) There was a serious breach of the school's behaviour policy
  - ii) Other options have been exhausted
  - iii) Allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

d) Results of the hearing

After the hearing, the school will inform all parties of the decision. This may be done face to face but will always be confirmed in writing, regardless. The letter will state:

- The decision
- The sanction (fixed term or permanent exclusion)
- When the sanction takes effect
- The reasons
- To whom the parents may appeal
- The deadline by which they may do so

#### **4. APPEAL**

Appeals are conducted by the trustees and will generally be heard by at least two trustees and where possible, one person who is independent of running the school.

Where practical, the appeal will be held away from the school at a more neutral location.

Parents must lodge their intention to appeal the exclusion hearing decision within 5 days of the decision letter.

The appeal will be heard by the appeals panel, ideally within 10 working days of receiving the parent's notification of their wish to appeal. This is subject to holidays and availability of the trustees.

The procedure is the same as for the original exclusion hearing with the following differences:

- The appeal will be heard by the appeals panel
- The MT members who took the decision to exclude the pupil will generally present the case for the school, submitting why the decision to exclude was justified
- The parents will present their case as to why their child is not guilty or why the sanction is disproportionate.

The purpose of the Appeal hearing is to decide whether:

- The pupil committed the disciplinary offence (the Burden of proof-see above)
- Permanent exclusion was a reasonable response (the decision to exclude was fair)

#### **Options open to the appeals panel:**

After due consideration of all the relevant facts presented at the Appeal Hearing, the Panel may:

- Uphold the decision of the school to exclude the pupil; or
- Recommend that, due to flaws in the investigation that could have materially affected the decision made, the school revisit the exclusion process; or
- Refer the exclusion back to the school for further consideration in situations where the Appeals process has brought to light previously unconsidered, relevant and substantive information; or
- Allow the Appeal and recommend the pupils reinstatement where practical; the school retains the final say as to whether this will be practical; or
- Allow the Appeal and make a statement to the effect that reinstatement would have been appropriate but for the specific circumstances of the case, such as for example the impact of reinstatement on other members of the school community (both staff and pupils)

#### **Informing the parents**

This should be in writing, within two weeks of the hearing.

## **IF A PUPIL IS EXCLUDED – After care**

- The school will offer help in finding alternative educational provision
- Support the pupil in putting together a portfolio of evidence of their skills
- In certain circumstances, and where resources allow, the school may consider continuing with the exclusion, but on a deferred basis, so that the parents have sufficient time to make suitable alternative arrangements.
- The school will generally refund any unused/advance school fees

## **Related policies**

- Anti-bullying policy
- Behaviour and Discipline policy
- Concessions policy
- Safeguarding (Child Protection) policy
- Special Educational Needs and Disability policy
- Physical Handling and Use of Reasonable Force policy
- Home/school Contract (incorporating application form and parent handbook)
- Whistleblowing policy

Reviewed by:

Trustees  
Management Team

Date  
Date

Due for review January 2023