POLICY: PERMANENT EXCLUSIONS PROCEDURE

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Policy basis	

VERSION CONTROL

Version	Date	Author	Notes
1.0			Historic
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INTRODUCTION

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

Reasons for Exclusion may include, but are not restricted to:

- Refusing to adhere to the Mobile phone policy (see relevant policy)
- Persistent disregard for any aspect of the School Code of Conduct (See Behaviour policy)
- Serious or repeated acts of vandalism and/or violence
- Serious or repeated acts of disruptive, defiant, dangerous, or abusive behaviour (including sexual, racist, bullying)
- Verbal/physical/sexual/cyber abuse
- Sexual misconduct (including sexual harassment)
- Use, possession or supply of drugs and/or alcohol
- Theft
- The school feels that, in some other way, the best interests of the child are not being served, for example, through poor attendance and/or punctuality
- Failure by parents to fulfil financial commitment to the school
- Failure by parents to support their child's education in the ways indicated in the parent's handbook
- The school discovers that important information, relevant to the school being able to support and/or meet the needs of the child in the school, has not been disclosed by the parents

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

Where there are allegations against a pupil, an investigation will be 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.

Where a permanent exclusion is being sought due to persistently poor behaviour, low attendance or some other long-term reason, the investigation stage will involve a gathering together of relevant information and evidence.

2. EXCLUSION HEARING

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

3. APPEAL

Conducted by the trustees.

DETAILED EXCLUSION PROCEDURE

INVESTIGATION

To be carried out by two staff members, including the most relevant and a management team member (who will ideally be one of the DSL's). 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.

Where a permanent exclusion is being sought due to persistently poor behaviour, low attendance or some other long-term reason, the relevant aspects of the following process will continue as outlined below. Some steps in the process below may be more or less relevant according to the circumstances.

a) Investigation to involve

- The nature of any allegation(s) or reasons for permanent exclusion
- 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) where relevant; and/or

- Information from behaviour plans and behaviour logs and any relevant meetings;
- Any statements presented 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 pupil at risk of exclusion;
- Where relevant, 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.
- In the case of permanent exclusions that are being sought against persistent behaviour, it is likely that parents will already be aware, as pupils may have already been on Behaviour Plans that identified Permanent Exclusion as an ultimate consequence.

EXCLUSION HEARING

Conducted by one (or preferably two) members of management team, ideally 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 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 and/or members of staff who work closely with the pupil, such as class guardians or class teachers, in the event of the exclusion relating to persistent behaviour/attendance issues.

a) Before the hearing:

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

- The allegations and/or the reasons for a permanent exclusion being sought

- Practical details – time, date, place, purpose

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

- Circulate the evidence/information
- Ask for written submissions from pupils and parents
- Make sure all parties have sufficient time to prepare
- Circulate any 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 and/or that there is sufficient relevant evidence to support the concerns raised by the school (e.g. record keeping, behaviour logs, behaviour plans, attendance records)
- That a Decision to Exclude is Fair because:
    i. There was a serious breach or persistent breaches of the School's Behaviour and Code of Conduct Policy

ii. Other options, if feasible, have been exhausted

iii. Allowing the pupil to remain in school would or could 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, if appropriate, but will always be confirmed in writing, regardless. The letter will state:

- The decision
- The sanction (Permanent Exclusion or alternative)
- When the sanction takes effect
- The reasons
- To whom the parents may appeal
- The deadline by which they may do so

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(s) (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 Code of Conduct 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

MONITORING, AUDIT AND GOVERNANCE

This policy belongs to Norwich Steiner School, which is the operational name for the Charity the Norfolk Initiative Steiner School, registered charity number 1099377, company number 4815492

Compliance is monitored through internal audits, policy review as part of self-evaluation, and annual reporting to Trustees on concessions awarded, value, and any compliance issues.