

Eridge House

EXCLUSION POLICY

We recognise that positive behaviour is learned in an atmosphere of mutual respect, praise and encouragement, where adults model positive behaviour, language and body language. We have policies and procedures in place to promote good behaviour and to discourage inappropriate behaviour. These policies are applied in a rigorous, consistent and non-discriminatory way and all staff, children and parents are aware of the behaviour expected of them whilst at school.

The decision to exclude a child from school, whether for a fixed term or permanently is exceptional and serious. It will usually be the final step in a process for dealing with disciplinary issues following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and would only be used as a last resort.

There are three exceptional circumstances which may lead to a child being removed from the school site:

- a) There is sufficient evidence that a child has committed a disciplinary offence and may be excluded for a fixed term or permanently;
- b) A child is accused of a serious criminal offence outside the school's jurisdiction where the Headteacher considers it is in the interests of the individual concerned and the school community for the child to be educated off site for a fixed period;
- c) A child's presence on the school site represents a serious risk to the health or safety of other pupils or school staff. This may only occur for medical reasons and does not constitute an exclusion.

Temporary/Fixed-term Exclusion

A temporary exclusion should be for the shortest time necessary: 1-3 days is usually enough to secure benefits without adverse consequences (Ofsted evidence)

Exclusion for a period of time from half a day to 3 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include:

- discussion with the pupil
- peer mentoring
- discussions with parents
- target setting
- mediation
- internal exclusion (i.e. on the school site)

Single incident

Temporary exclusion may be used in response to a first time serious breach of school rules and policies or a disciplinary offence.

In this case the Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation. The pupil will be encouraged to give his/her own version of events and the headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment.

The decision to exclude

A decision to exclude a pupil should be taken only:

- a) In response to serious breaches of the school's policies; and/or
- b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Only the Headteacher or teacher in charge can exclude a pupil.

A decision to exclude a child **permanently** is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, including fixed-term exclusion, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for including the child and should normally be used as a last resort.

There will, however, be exceptional circumstances where, in the Headteacher's judgment, 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 pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Persistent and defiant misbehaviour including bullying (which would include racist bullying) or repeated possession and/or use of an illegal drug on school premises

In circumstances where a criminal offence has taken place, the school will also need to consider whether a referral on to other agencies may be appropriate, for example the Police or Social Services Department, etc.

Drug-related exclusions

Illegal drugs have no place within the school. Where legal drugs are concerned, the Headteacher will conduct a careful investigation to judge the nature and seriousness

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of any incident before deciding what action to take. The decision will depend on the precise circumstances of the case, for example, the seriousness of the incident, the circumstances and needs of those involved and the evidence available. Factors that will be considered in determining an appropriate response to a drug-related incident have been set out in the revised guidance on **drugs in schools**.

Factors that will be considered before making a decision to exclude

Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher should:

- Ensure that a thorough investigation has been carried out;
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended (2000) and the Disability Discrimination Act 1995 as amended (2001);
- Allow and encourage the pupil to give his or her version of events;
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment;
- If necessary, consult others, but not anyone who may later have a role in reviewing the headteacher's decision, for example, the Principal.

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher may exclude the pupil. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. The Headteacher will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the pupil's past behaviour); in determining whether it is more probable than not that the pupil has committed the offence.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Headteacher to make a judgment on whether to exclude the pupil.

Marking attendance registers following exclusion

When a student is excluded temporarily, he/she should be marked as absent using the Code E.

Removal from school for other reasons

The Headteacher may send a pupil home, after consultation with that pupil's parents and health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example the diagnoses of illness such as a notifiable disease. *This is not an exclusion and should be for the shortest possible time.*

Procedure for appeal

If parents wish to appeal the decision to exclude, the matter will be referred to the Principal. The Principal, who was not involved in the initial decision to exclude, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within five days. The Principal will make provision for a hearing before a panel of at least three people who have not been directly involved in the exclusion.

Records relating to the decision to exclude and the parents complaint will be copied to all parties not later than two days prior to the hearing. In no circumstances however, will the school or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Headteacher has acquired during an investigation.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. If possible the Principal will resolve the parents' complaint without the need for future investigation. Where further investigation is required, the principal will decide how it should be carried out. After due consideration of all the facts they consider to be relevant, the principal will reach a decision on whether to uphold or rescind the exclusion or they make other recommendations. This decision will be made within ten days of the hearing.

The principal will write to the parents informing them of the decision and the reasons for it. The decision of the Principal will be final. The Principal's findings and, if any, recommendations will be sent in writing to the parents concerned and the Headteacher.

Related Policies:

- Anti-Bullying Policy
- Allegations against members of staff
- Behaviour Management Policy
- Complaints Policy
- Confidentiality Policy
- Drugs and Drug Education Policy
- Equal Opportunities/SEN Policies
- PHSE Policy