

Exclusions Policy

Associated Policies: Pupil Code of Conduct
Anti-Bullying
Complaints
Parent's Contract (and information booklet)
Drugs
IT and mobile devices
Assertive Discipline Policy

Terminology: Fixed term exclusions are sometimes referred to as suspensions
Permanent exclusions are sometimes referred to as expulsions.

1. Policy Statement

- 1.1 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.
- 1.2 Disciplinary procedures identify the appropriate action to be taken when a pupil's behaviour fails to meet the requirements of the School's policy on Behaviour and Discipline.
- 1.3 The School may contact the Police when appropriate.

2. Who does this policy apply to?

- 2.1 This applies to all School pupils.

3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Governors of the School and remain under constant review by the Exclusions' Committee. The Exclusions' Committee comprises three of the following persons - the Headmaster, Deputy Head (Academic), Deputy Head (Pastoral), Bursar, Heads of School or any other member of the Senior Management Team.
- 3.2 Governors will review the policy in accordance with paragraph 7.

4. What are the principles behind this policy?

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

- 4.2 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.
- 4.3 The School will seek to put in place a range of intervention strategies which minimise the need for fixed period exclusions or a permanent exclusion. These may include being placed on report, detentions, Saturday detention, internal exclusion, a pastoral support programme and the involvement of appropriate external agencies. At all times there will be close liaison with parents.
- 4.4 Decisions to exclude a pupil for a fixed term period will only be taken on the balance of probabilities in response to breaches in the School's policy on behaviour and discipline, including persistent and disruptive behaviour. This might include misbehaviour over a period of time which remains unresolved despite the use of other, lower level, sanctions. Fixed term exclusions will be used where, in the opinion of the Exclusions' Committee, the incident requires a greater sanction than may be imposed under paragraph 4.3 but is not serious enough to warrant permanent exclusion under paragraph 4.5.
- 4.5 Decisions to exclude a pupil permanently will only be taken in response to a serious breach or serious breaches of the School's Pupil Code of Conduct (and associated policies) and/or if the decision for the pupil to remain would seriously harm the education or welfare of another pupil or pupils or adult members of the school community.

5. Procedure

- 5.1 Only the Headmaster (or acting Headmaster) may take the decision to exclude a pupil after consideration of all the evidence following a thorough investigation and consideration by the Exclusions' Committee.
- 5.2 An investigation of a single event or incident which may lead to an exclusion should include the following:
- Asking the pupil to write a statement outlining his/her involvement in the incident as soon as practicable. The statement should be signed and dated. In some instances, (perhaps for younger pupils) a staff member will need to write up a statement which is then read to the pupil who will then sign and date it.
 - If a pupil is interviewed, making a written transcript recording each of the questions asked and responses given.
 - Obtaining witness statements from other pupils and teachers which should be signed and dated. In some instances, (perhaps for younger pupils) a staff member will need to write up a statement which is then read to the pupil who will then sign and date it.
 - Providing a supportive teacher to assist the pupil
 - Providing rest or water breaks
 - Consider all the evidence, taking account of the pupil's age, the school's policies and equal opportunities legislation
 - Recording all information relating to the incident and investigation
 - To facilitate this procedure, it may be necessary for a pupil or pupils to be kept in internal isolation for part or all of a school day.
- 5.3 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.

5.4 Ballard School reserves the right to decline progress into Reception and through each year group up to Year 11, if the School, in the opinion of the Head and other staff, can no longer meet the educational, pastoral and social needs of the pupil concerned, and other pupils at Ballard, once reasonable adjustments have been made. It is likely that an exclusion in this instance will be implemented by the Head:

- If information comes to light, that was withheld or previously unavailable, that suggests the removal of a pupil is considered by the School a proportionate means of achieving the School's aim of ensuring the health, safety and education of all Ballard staff and pupils.
- If a pupil's behaviours change over time to the point where the removal of a pupil is a considered by the School a proportionate means of achieving the School's aim of ensuring the health, safety and education of all Ballard staff and pupils.
- After the School's DSL has undertaken a risk-assessment for the progress of a pupil through Ballard
- After the School's DSL or SENCO (Head of DEL) has contacted the Local Authority to outline the School's fears for the health and safety of others, to ask advice and follow any recommended procedures
- After the school has kept the parent(s) fully informed of escalating issues over a period of time and alerted the parents to the risk of permanent exclusion

Notifying parents

5.5 When the decision to exclude a pupil has been made the parent or pupil if aged 18 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. If a decision is taken late on a Friday, then the written follow-up may need to await the following Monday but a 'phone conversation will still happen as soon as possible that day.

5.6 Written confirmation of the exclusion will include the following details:

a. for a **permanent** exclusion

- the fact that it is a permanent exclusion and the date from which the exclusion takes effect

b. for a **fixed term** exclusion:

- the precise period of the exclusion
- the arrangements for reintegrating the pupil into the School will be provided including the date and time the pupil should return to the School and this must also require the parent to attend an interview with the Headmaster or other members of the Exclusions' Committee prior to reintegration.

c. for **all types** of exclusion:

- 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 as well as the date by which this should be done
- the arrangements that will be put in place to ensure that the pupil is able to continue their education (it is the parent's responsibility to ensure that all work set is completed and returned to the School)

Notifying governors

- 5.7 The Headmaster will inform the Governing Body of all exclusions once per term.
- 5.8 The Headmaster will inform the Chair of Governors within one school day of all **permanent** exclusions or fixed term exclusions 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

Appeals

- 5.9 Parents have the right to appeal against a fixed term or permanent exclusion made by the Headmaster. To do so, parents must lodge an appeal in writing with the Clerk to the Governors (the School Bursar) no later than 10 school days after receipt of the letter referred to in paragraph 5.4
- 5.10 Any appeal received after the latest date for lodging appeals will be rejected by the School.
- 5.11 Where an appeal is received, the School will convene an Appeals Panel which will comprise three members 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 Appeals Panel will be supported by a clerk.
- 5.12 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 subject to 5.13
- 5.13 The Appeals 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.
- 5.14 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 Appeals Panel and shared with both parties. New evidence may be presented at the hearing however the Appeals Panel may, in the interests of fairness, adjourn the matter to allow proper consideration of such material.

- 5.15 The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation for either party will not normally be appropriate.
- 5.16 The role of the Appeals Panel is to make a fresh decision on the exclusion. In coming to their decision, the Appeals 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 Appeals 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.
- 5.17 Subject to 5.18, the Appeals Panel may:
- Uphold the decision to exclude; or
 - Reduce the length of a fixed-term exclusion; or
 - Increase the length of a fixed-term exclusion; or
 - Move from a fixed-term to a permanent exclusion; or
 - Decide that fixed-term/permanent exclusion was not a proportionate response and recommend reinstatement.
- 5.18 The Appeals Panel is independent and the decision is binding on the parent and the School
- 5.19 The Appeals Panel will inform all parties of the outcome by the end of the second School day after the hearing outlining the reasons for the decision, giving clear information about the behaviour and offences.
- 5.20 Where the Appeals Panel recommends reinstatement the Appeals Panel must immediately inform the Headmaster, specifying the date by which the pupil must be readmitted. The pupil's record will be amended accordingly.

6. Exclusions: practical details

- 6.1 A portion of a fixed term exclusion may be served in School as part of an internal isolation. The Exclusions' Committee will decide on this in line with circumstances which might include the time taken to undertake an investigation or a parent being unable to collect a suspended pupil immediately.
- 6.2 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.
- 6.3 A permanently excluded pupil may not join the Alumni Association nor attend any of its activities until 10 years have passed since the date of the exclusion. Even then the Headmaster may decide, in the interests of the School, that a longer, even unspecified, period is required. A pupil with a fixed term exclusion would normally be able to join the Alumni Association and take part in its activities without a time bar but the Headmaster may decide in the interest of the school that a delay, even unspecified, is required, before a pupil may join the Alumni Association or take part in its activities.
- 6.4 All items of school owned equipment must be returned within one week of the permanent exclusion beginning – or within one week of the Appeals Panel confirming the exclusion.

- 6.5 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.

7. Policy review

This policy will be reviewed annually as part of the School's annual review.

(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' become 'working days' (Monday through to Friday) in holiday times.)

Staff Name: Andrew McCleave (Headmaster)

Reviewed: September 2020

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