

# North Halifax Grammar School

## Exclusions Policy



<b>Approved by:</b>	Full Governance Board
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<b>Policy owner:</b>	Principal

The school's Exclusions policy operates in conjunction with other policies including those for, Behaviour, 'e-Safety' and safeguarding.

### **Rationale and definitions**

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- Ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction.

An Exclusion, within this document, may be one of three types:

- Internal Exclusion (when a student is excluded from normal lessons, but remains within the school)
- Fixed-Term Exclusion (when a student is excluded from school)
- Permanent Exclusion (where steps are taken to permanently remove the student from the school)

### **Introduction**

Exclusion is an extreme sanction and will be avoided wherever possible.

The decision to recommend a student for a fixed-term or permanent exclusion will be taken in the following circumstances:

- In response to a serious or repeated breach of the school's Behaviour Policy.
- If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Please note, that before a permanent exclusion is considered, a 'Managed Move' may be resorted to, if appropriate. For further detail, see below.

### **Responsibility for Exclusion**

A Fixed Term or Permanent Exclusion is only administered by the Principal (or, in the absence of the Principal or a Vice Principal who is acting in that role).

### **Causes for Exclusion**

Exclusion, whether Internal, 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 Behaviour Policy:

- Actions which put the student or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying a 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.

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

## **Exclusion procedures**

### **Internal Exclusion or Isolation**

An Internal Exclusion will be implemented by a Head of Section, a Vice Principal or the Principal for a misdemeanour of sufficient seriousness as to warrant a student being removed from lessons, but not so serious as to warrant removal from school. As stated above, all efforts will be made to keep the student in school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term or Permanent Exclusions.

Students in Isolation are not allowed to take their break or lunchtime with other students, but will be given a separate and comparable break and lunchtime.

Isolation can take a number of forms. Parents/carers and the student will be informed of the nature and duration of the Isolation whenever Isolation is used as a sanction.

### **Fixed-Term Exclusion**

A Fixed Term Exclusion is of short duration (usually between one and five days) and may be necessary if a student commits an offence which is considered so serious, that it would not be appropriate to place him/her in Isolation. In the case of Fixed-Term Exclusions, the Department for Education allows the Principal to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

Students on fixed term exclusion will be forbidden from attending school, or being in the vicinity of school for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority may issue a penalty sanction of £60 (rising to £120).

Parents/carers must also ensure that their child attends the suitable full time education provided by the governing body or the local authority from the sixth day of exclusion.

The school will send work home for students who are excluded, which will be marked when the student returns.

The school will inform parents immediately by phone call when the decision has been taken to 'Fixed-term Exclude' a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out, together with the time and date of the re-admission meeting (see below). Parents/Carers are also informed that they have a right to make representations to the Governing Body if they wish to challenge the terms of the exclusion.

Where a student is identified as potentially vulnerable, parents/carers will be asked to collect the student from school or to make arrangements to have them met from the bus or taxi to ensure their personal safety.

### **Managed Move**

A 'Managed Move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions, when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

Schools and other educational establishments (e.g. Pupil Referral Unit – P.R.U.) in Calderdale have an agreement whereby students may be offered the opportunity of a 'fresh start' dependant on the student successfully demonstrating the desire to meet the expectations of the 'receiving' institution. 'Managed Moves' are arranged via the Calderdale Behaviour and Attendance Collective (CBAC) which are convened once per month.

Before a student application for a managed move is submitted to the CABC, a meeting is arranged between the student, parents and representative from the school (usually the Year Group Leader) as a 'Managed Move' can only proceed with the agreement of all parties. If agreed, the application is made to CBAC.

At the CBAC, student details will be shared with ~~other~~ the other establishments. Depending on the seriousness of the referral there may be one of three outcomes:

- Managed Move to another secondary school
- Managed Move to P.R.U.

A Managed Move to another secondary school is offered initially as a six week trial. If the parent/carer or student does not accept the 'trial' school then the managed move cannot proceed. However, in such circumstances it should be noted that a permanent exclusion may well be the result. If accepted, following an induction meeting, the student joins the 'receiving' school for the trial period. At the induction meeting the student must promise to fully abide by the rules of the school and the parents/carers promise to offer full support. Financial support is available to provide for new uniform. If, during the trial period, the student fully abides by the rules of the receiving school, then a place is offered on a permanent basis. If unsuccessful, the student is returned to the original school. In such circumstances, a permanent exclusion will be the likely result.

A Managed Move to P.R.U. is arranged when the student is in serious danger of permanent exclusion or if the student is too close to the end of formal education (mid-way through Year 10 or Year 11) for a managed move to another secondary school or high school to be successful. In such circumstances, the managed move is arranged in the same way, but the student does not attend on a trial. The student remains a member of NHGS, but will attend P.R.U. for lessons. Although every effort is made to support a student at P.R.U. in order to achieve qualifications, it should be appreciated that such an action will seriously inhibit a student's chance of success in education and thus their life chances.

### **Exclusions Procedure (Permanent Exclusion)**

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a student's life chances.

There are two main types of situation in which permanent exclusion may be considered.

1. A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies (including 'Managed Move', see above). It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying or repeated possession and/or use of an illegal drug on School premises.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - Serious actual or threatened violence against another student or a member of staff.
  - Sexual abuse or assault.
  - Supplying an illegal drug.
  - Carrying an offensive weapon\*
  - Arson.
  - The School will consider police involvement for any of the above offences.

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the School.

Before deciding whether to exclude a student either permanently or for a fixed period the Principal will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations has been collated, taking into account the school's Behaviour and Equality Policies.
- The student has been allowed to give her/his version of events.
- There is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Principal is satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, exclusion will be the outcome.

Where a student is identified as potentially vulnerable, parents/carers will be asked to collect the student from school or to make arrangements to have them met from the bus or taxi to ensure their personal safety.

## **Exercise of discretion**

In reaching a decision on temporary or permanent exclusion, the Principal will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy
- The effect that the student remaining in the school would have on the education and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors Exclusion Panel when it meets to consider the Principal's decision to permanently exclude. This Committee will require the Principal to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion.

The school will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below).

## **SEND students and Permanent Exclusion**

Whether or not the school recognises that a student has special educational needs and disability (SEND), all parents (or students) if aged 18 or over) have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

## **Appealing a Permanent Exclusion**

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

## **Alternatives to Permanent Exclusion**

As described earlier in this document, alternative strategies to permanent exclusion are always used if possible and the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

## **Behaviour outside school**

Student behaviour outside school on school "business" for example trips, travelling to and from school, away school sports fixtures or a work experience placement is subject to the school's Behaviour Policy and Anti-Bullying Policy. Inappropriate or unacceptable behaviour in these circumstances will be dealt with as if it had taken place in school. Serious infringements of the school's Behaviour Policy and its Anti-Bullying Policy that occur 'outside of' the school may lead to a fixed term or permanent exclusion.

## **Drug related exclusions**

In making a decision on whether or not to exclude for a drug-related offence the Principal will have regard to the school's published policy on drugs and will also seek advice from the Local Authority's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases, fixed term exclusion will be more appropriate than permanent exclusion. The Principal will make a judgement set against the criteria in the school's Drug, Alcohol and Substance Misuse Policy.

## **Review of Exclusions**

The Leadership Group review all permanent exclusions from the school and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

The Leadership Group review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations.

## **Re-admission Meetings and re-integration**

Following a Fixed-Term Exclusion, parents/carers may be invited into school to attend a re-admission meeting. Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed period exclusion of more than five days. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority apply for one.

At the meeting, the student will be set specific goals in order to help him/her avoid the behaviour that led to exclusion. Students returning to school following a fixed term exclusion may, as part of their reintegration, serve a further short period in Isolation , to enable them to catch up with their studies.

It is school practice to place a student returning to school following exclusion on a two week report to monitor behaviour and work.

If a student has served a fixed term exclusion of greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This will be agreed with the school, student and parents/carers