

## POLICY STATEMENT

Policy	Exclusion of Pupils Policy
ISI Standard No	37
College Department	Safeguarding

Date Written	20 <sup>th</sup> April 2017 (Reviewed 25 <sup>th</sup> April 2018)
Written by	A Cabezas Hayes
Approved by	G Sutton
Date of Approval	20 <sup>th</sup> April 2017
Next major review date	25 <sup>th</sup> April 2019
Location and disseminations	A copy of the policy can be found, in the college admin office and on the college website.
The context of the policy and its relationship to other policies	This policy should be considered in conjunction with other written policies on behaviour, health and safety, medicines, college visits, child protection and safeguarding.

St George's has the highest concern for the safety and wellbeing of the whole college community, and we work hard to ensure that our ethos and environment supports student learning and success. Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the college's use of exclusions and is supported by our **college behaviour policy**.

### 1. Power to exclude

The Principal is the only member of staff within the college who can exclude a pupil, either permanently or for a fixed-term. In the absence of the Principal, the deputy Principal or acting Principal can make this decision.

The governing body can review the Principal's decision and consider appeals from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude a pupil themselves. For more information on the governing body's role in exclusions, see section 5.

### 2. Reasons for exclusion

There are two main reasons for exclusion: a serious breach of the college's behaviour policy, or a situation where it is feared that the safety and well being, or education, of other students is at risk.

In line with the college's behaviour policy, the following actions constitute unacceptable behaviour and may result in permanent or fixed-term exclusions:

- physical abuse to/attack on staff
- verbal abuse to pupils
- physical abuse to/attack on pupils
- indecent behaviour
- misuse of illegal drugs
- misuse of other substances
- theft
- 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
- arson
- unacceptable behaviour which has previously been reported, and for which college sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- Defamation of the college

### **3. Types of exclusion**

#### **3.2 Permanent exclusion**

Permanent exclusion is an extremely serious sanction, and a step taken by the college only as an absolute last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These 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
- arson.

It may be necessary for the college to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing body to ensure that they are justified and fair. The Principal can withdraw an exclusion that has not yet been reviewed by the governing body.

#### **3.3 Fixed-term exclusion**

The length of a fixed-term exclusion will be set out by the college at the start of the exclusion period. If a pupil is excluded for more than 45 days in one college year, they will be permanently excluded.

A fixed-term exclusion may result from a serious breach of the college's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than detention, but does not warrant permanent exclusion.

A fixed-term exclusion can be changed into a permanent exclusion by the Principal if the circumstances warrant it. In this case, parents or carers will be notified in writing with an explanation of why the change has occurred. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian.

An excluded pupil has no automatic right to take a public examination or National Curriculum tests on the college's premises. The governing body can decide whether or not to allow the pupil to sit the tests, and this will depend on the seriousness of the reason for exclusion.

#### **4. Making the decision to exclude**

Exclusion of any sort, for any period of time, is taken very seriously by the college, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety within the college.

If it is decided that exclusion is necessary, the parents or carers of the pupil will be notified, and the circumstances surrounding the exclusion will be formally recorded.

#### **4.2 Alternative behaviour management strategies**

##### **Internal exclusion**

If a pupil needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that pupil elsewhere in the college. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the college site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

##### **Mediation**

If there is a conflict between two or more pupils, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil.

##### **Restorative justice**

This strategy is dependent on the cooperation of all parties involved in an incident or situation, and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

##### **Managed move**

It may be in the best interest of a pupil to have a chance of a fresh start by moving to another college. This will only occur in consent with parents, the Principal and SMT, The new college

will be asked by the Principal to accept the pupil.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the college will do everything it can to ensure that the transition is as smooth as possible.

### **4.3 Looked-after children and young people**

St George's understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in college. Before any decision to exclude is made, the college will:

- consult the LA about alternative options to support a looked-after pupil
- consult the LA about what alternative provision will be available if the pupil is excluded
- involve the child's social worker as early as possible to help the college avoid exclusion
- work with the foster carer to improve the pupil's behaviour.

### **4.4 Pupils with special educational needs or a disability (SEND)**

#### **Pupils with SEN**

Our college's full SEN provision is outlined in our **special educational needs policy**. We work hard to accommodate students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The college will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the Principal will use the time between the initial decision and the governing body's review to see whether a change of circumstances might enable the college to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the child's best interest that their statement be changed to name a different college, in which case the college will work with the LA and the child's parents or carers to make the transition as smooth as possible.

#### **Pupils with a disability**

If a pupil with a disability is under consideration for exclusion, the Principal will ensure that all other possible outcomes have been tried. To justify excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the college may be material and substantial justification, but only if reasonable adjustments have been made for the pupil's disability. You can find more information on reasonable adjustments in our **college accessibility plan**.

### **4.5 Ethnicity**

St George's does not discriminate against any person and our college ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the college following the process outlined

in our **college complaints procedure**.

#### **4.6 Investigating the circumstances**

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made, unless there is a threat to the safety of pupils or others at the college.

Before the decision to exclude is made, the Principal will:

- ensure that the college has made a thorough investigation
- consider all the evidence available when looking to support the allegations
- encourage the pupil to give his or her version of events
- take into account the college's behaviour policy and equal opportunities policy, and relevant equalities legislation
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the governing body or management committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

#### **4.7 Confidentiality**

The college will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

#### **4.8 Recording and notifying the decision to exclude**

All exclusions will be formally recorded and the Principal will contact the parents or carers of the pupil immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. If the pupil is over 18, they will be notified directly. The decision will be confirmed in writing. The Principal will notify the SMT within one day of the decision to exclude being made.

#### **5. Reviewing an exclusion**

The governing body will review fixed-term exclusions of any length on request by parents who feel that the sanction is unjustified. They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a pupil being excluded for more than 15 days of a college term or missing a public exam. The review panel will look at the evidence and the records leading up to the exclusion and decide whether the Principal has made a fair decision and if exclusion is the appropriate sanction.

The members of the governing body who are on the review panel will have the appropriate

training to fulfil the role, and notes will be taken of any review proceedings.

Parents who want to appeal an exclusion can contact the governing body. Parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the governing body with any written statements or evidence that they might have relating to the exclusion prior to the review meeting so that these can be circulated amongst the review panel. There will be an opportunity during the review meeting for parents to ask questions of the other parties.

The pupil concerned is encouraged to attend if they are able to fully understand the proceedings. St George's believes that pupils should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

## **5.2 Notification of the review decision**

Parents will be notified of the outcome of the review meeting in writing. The outcome will be one of the following:

- **Unlawful exclusion**

If the review panel has found that the exclusion has been made unlawfully, it will not stand. The governing body will not investigate further. Parents who have a complaint about an unlawful exclusion should follow the procedures set out in the **college's complaints policy** to report it.

- **Upholding the exclusion**

If the review panel finds that the exclusion is fair and just, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to appeal to an independent appeal panel
- the name and contact details of the person to whom to send a notice of appeal
- the date by which a notice of appeal should be given
- that the notice of appeal must set out the grounds for appeal
- that the notice of appeal should set out any grounds for alleging disability discrimination if this is the case.

- **Reinstating the pupil**

If the review panel decides that it is appropriate to reinstate the pupil immediately or by a given date, support will be given to ensure that the pupil is easily reintegrated into the college. This will include a reintegration interview with the Principal and parent or carer on college grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The governing body may also decide to arrange for an educational

provision off site to improve the child's behaviour, such as an anger management course.

## **6. During an exclusion**

Although the college has made the decision to exclude a pupil, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of exclusion, the college will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, if the exclusion is fixed-term, the college will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA (if applicable) will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another college in the area
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE college.

If the child has a statement of special educational needs, the alternative provision will meet those needs.