



SIR THOMAS RICH'S

Exclusion Policy

This policy covers Fixed-term & Permanent Exclusions and was drawn up in compliance with The School Discipline (Pupil Exclusions and Reviews) (England Regulations 2015; DfE guide to Exclusion from maintained schools, academies and pupil referral units in England.; DfE Academy exclusions factsheet 2013 and Gloucestershire guide to exclusions.

Date reviewed: March 2017

Status: Statutory

Responsibility: This policy will be reviewed by the Headmaster regularly. The Governors Personnel Committee has responsibility for approving the policy and monitoring its implementation.

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1. The reasons for exclusion

Sir Thomas Rich's School aims to educate its pupils to make informed personal choices and decisions about their behaviour and attitude to work and to each other. The Home-School Agreement and Behaviour and Discipline Policy promote self-discipline and proper regard for authority, encourage good behaviour and respect for others, with measures to ensure acceptable standards of behaviour and the regulation of pupils' conduct.

Where pupils breach the School's expectations, sanctions will be applied because pupils will be deemed to have made inappropriate choices about their behaviour, in full knowledge of the standards expected by the School. Sanctions also act as a deterrent. The range of sanctions is outlined in the Behaviour and Discipline Policy. In cases where there has been a serious breach of the School's expectations, the Headmaster can exclude a pupil from the School. Serious breaches include physical assault, racial and sexual harassment, bullying, theft, vandalism, open defiance of reasonable instructions from staff, and bringing the School into disrepute. (NB. this is not an exhaustive list). Behaviour outside the School can also be considered as grounds for exclusion. Each case is examined thoroughly on its merits to ensure the decision is rational, reasonable, fair and proportionate. The Headmaster will, where practical, give the pupil an opportunity to present his/her case before taking the decision to exclude and, thereafter, try to include the pupil in all stages of the exclusion process, taking into account his/her age and understanding. The School is mindful not to discriminate on any grounds (age, race, gender, disability, religion, gender reassignment or sexual orientation) and will make reasonable adjustments for disabled pupils. Pupils can only be excluded on disciplinary grounds and account will be taken of any mitigating circumstances e.g. bereavement, unmet needs, the subject of bullying.

2. School procedures

Investigating an incident and keeping records

When the School investigates an incident, any pupil witnesses will be asked to write a brief statement of what they know. Witnesses will not be prompted, nor will there be leading questions; any questions will be to clarify points within the statement that might be unclear. A pupil alleged to be the perpetrator will be advised of the allegations against them, and invited to respond or to write a statement. In all incidents of a serious nature, parents will be invited into the School as soon as possible to discuss the situation. The Headmaster will then decide on any sanction required.

All statements and any other evidence will be retained by the Headmaster for a period of 6 years from the date of the incident, in case the School has to justify or explain the decision to which the statements contributed. Where the School finds itself either replying to a reference request, or in any other way commenting about a pupil's record, then depending on the terms of that request, and if it could do so in all honesty, the School will avoid any explicit reference to exclusions because of the long-lasting impact that could have on the pupil's future.

Fixed period exclusion

The Headmaster may exclude a pupil for up to 45 school days in a school year - however exclusions should be for the shortest time possible and should avoid pupils missing a public examination, where possible. At Sir Thomas Rich's a fixed period exclusion of one day is the norm. A decision to exclude will have regard to any special educational needs and disabilities the pupil might have.

Procedure

i. Before any exclusion the incident must be investigated, written statements may be taken from all relevant parties and the alleged perpetrator interviewed by a senior member of staff, who will also check if there was provocation. The School will keep accurate written notes of all interviews and investigations. The standard of proof to be applied is the balance of probabilities.

ii. When a decision to exclude has been made by the Headmaster the School will:

- a)** explain the reason for the exclusion to the pupil concerned;
- b)** make every effort to telephone the parents/guardians of the pupil immediately to explain the situation;
- c)** send a letter to the parents/guardians explaining:
 - the **period (in school days)** of the exclusion;
 - the date and time when the pupil should return to school;
 - the **reasons** for the exclusion including any relevant circumstances;
 - the arrangements for setting and marking work for the first 5 days of the exclusion;
 - alternative schooling arrangements should the exclusion exceed 5 days. It is the duty of the Governing Body to provide alternative full-time education from the sixth day of an exclusion. The letter should contain details of the address, contact name, start and finish times of the new school, including the times for morning and afternoon sessions. Where these details are not available by the end of the afternoon session, they will be provided no later than 48 hours before the provision is due to start.
 - how to make representations to the governors if they wish to question the exclusion; For exclusions of between 5 and 15 days in one term, parents may request a review of the Headmaster's decision by the Governing Body. The governors must meet within 50 days, Where an exclusion of between 5 and 15 days a term is imposed or the exclusion would result in the pupil missing an examination, the Governing Body must convene a meeting within 15 days to consider reinstatement. The pupil concerned is allowed to attend and an explanation of how the pupil might be involved should be included. At the meeting parents/guardians are allowed representation at their own expense and may be accompanied by a friend.
 - that during the period of an exclusion the pupil is not permitted onto the school site or **any public place**. Parents may be given a fixed penalty notice or prosecuted in the case of non-compliance.
 - that information and advice on exclusions is available from;
 - ACE (Advisory Centre for Education); <http://www.ace-ed.org.uk>
 - Coram Children's Legal Centre: www.childrenslegalcentre.com
 - Governments statutory guidance on exclusions: <https://www.gov.uk/government/publications/school-exclusion>

iii. Before re-entry the parents/guardians may meet with the Headmaster to discuss the pupil's return to school. Homework will be checked and, if necessary, a re- integration programme put in place and strategy for managing future behaviour.

iv. Each term the Headmaster will inform the governors and Local Authority of all exclusions in that term (and during previous terms if he has not already done so), the period of each exclusion and the reasons for it.

v. Where a pupil is excluded for more than 5 days or might lose the opportunity to take a public examination or the exclusion will take the pupil's total days of exclusion over 15 for a term, the Headmaster will, without delay, inform the governors and the LA. The Governing Body must convene a meeting within 15 days.

vi. Evidence and notes regarding exclusions may be kept in a pupil's file for 6 years, and will then be destroyed.

Permanent exclusion

The Headmaster can permanently exclude (i.e. expel) a pupil from the School. The parents of the pupil would then need to seek another school for his/her education, and it would be the LA's duty to provide assistance.

The Headmaster may consider permanent exclusion in circumstances where the breach of the School's standards is deemed to be so serious that allowing the pupil to stay in school might seriously harm the education, safety and welfare of others in the school. Incidents where a pupil might be excluded from STRS would include: serious actual or threatened violence against a pupil or member of staff, sexual abuse or assault, supplying an illegal drug, carrying an offensive weapon, putting at risk the health, safety or welfare of others, bringing the School into disrepute.

Procedure

i. Before any exclusion the incident must be investigated, written statements may be taken from all relevant parties and the alleged perpetrator interviewed by a senior member of staff, who will also check if there was provocation. The School will keep accurate written notes of all interviews and investigations. The standard of proof to be applied is the balance of probabilities.

ii. When a decision to exclude has been made by the Headmaster, or a deputy in his absence, the School will:

- a) explain the reason for the exclusion to the pupil concerned;
- b) make every effort to telephone the parents/guardians of the pupil immediately to explain the situation;
- c) make arrangements for the pupil to be kept away from others until he/she can be taken home by parents or a member of staff;
- d) within one school day send a letter to the parents/guardians, explaining:
 - the reasons for the exclusion, the date it takes effect, and any relevant circumstances or previous history;
 - that the exclusion is permanent and the date the permanent exclusion takes effect;
 - the steps taken to try to avoid an exclusion (if appropriate);
 - the arrangements for enabling the pupil to continue his education, including setting sufficient appropriate work during the first five days of an exclusion and the arrangements for marking and return. The LA is required to provide full-time education from the sixth day of a permanent exclusion.
 - the details of the Governors' meeting. All permanent exclusions must be heard by the Governing Body and the parents/guardians (or the student directly, in the case of a pupil over 18) have the right to make representations. They will be given the name of the person to contact (clerk), the latest date by which the Governors must meet and deadline for written evidence. Even if parents/guardians do not wish to make a representation, they will be notified by the clerk to the Governing Body of the time, date and location of the meeting.
 - their entitlement to see and to have a copy of the pupil's curricular and other school records;
 - that information and advice on exclusions is available from:
 - ACE (Advisory Centre for Education) <http://www.ace.-ed.org.uk>
 - Coram Children's Legal Centre: www.childrenslegalcentre.com
 - Governments statutory guidance on exclusions: <https://www.gov.uk/government/publications/school-exclusion>
 - pupils are not allowed on site or **in any public place** during exclusion.

iii. Within one school day, the Headmaster will contact the Chairman of Governors and follow-up with a copy of the exclusion letter sent to parents/carers. The Headmaster will also contact the LA, sending a copy of the exclusion letter. Where a pupil lives outside Gloucestershire the pupil's home authority will be advised.

iv. Evidence and notes may be kept in a pupil's file for 6 years, and will then be destroyed.

3. Governors' Meeting

Parents and pupils may be accompanied by a friend or representative or invite a representative of the Local Authority as an observer who may only make representations with the prior consent of the Governing Body.

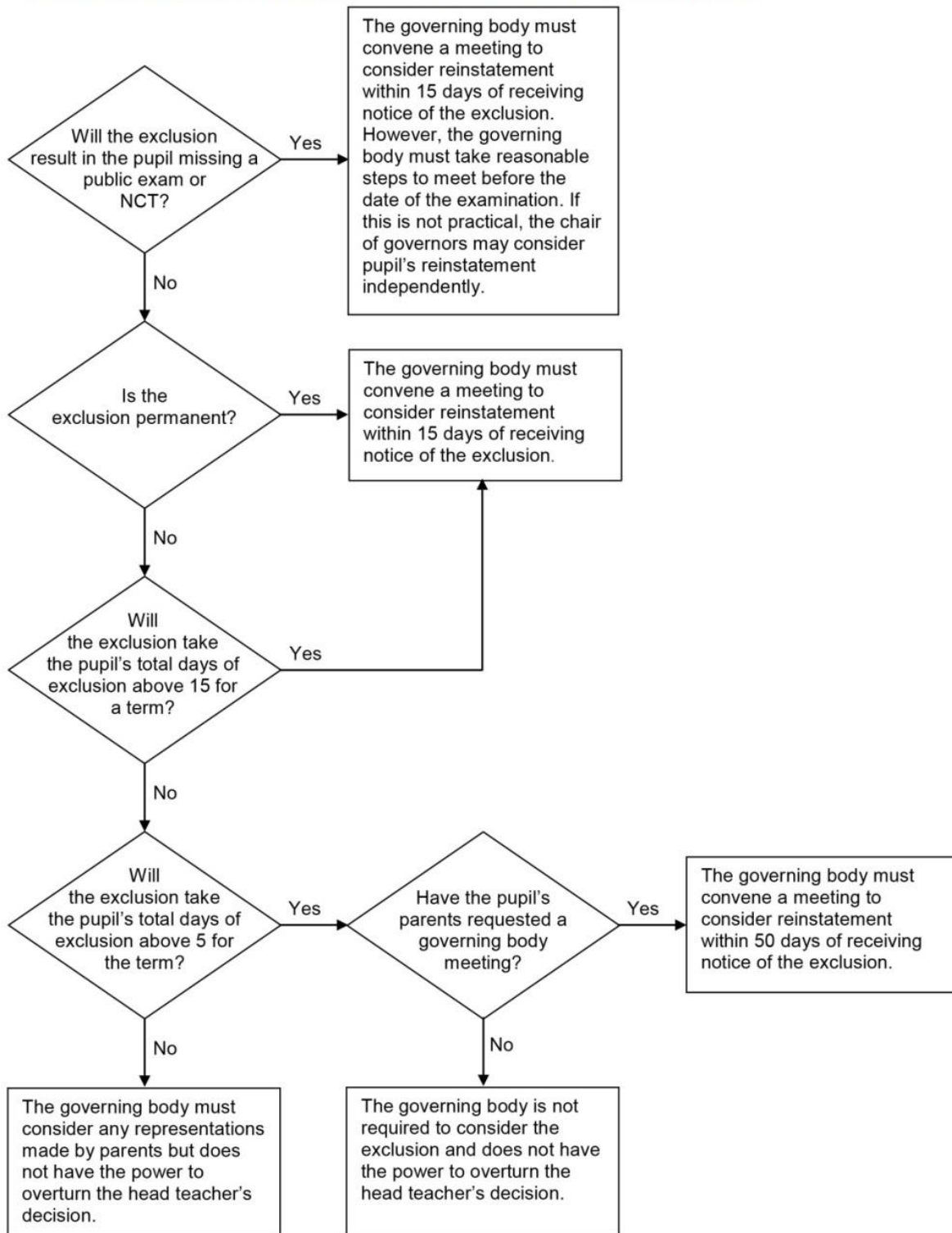
The Governing Body may:

- re-instate the pupil immediately or from a specified date or
- uphold the decision

The Governing Body must immediately notify parents/guardians, the Headmaster and LA in writing of their decision and the reasons. If they decide to uphold a permanent exclusion they must state that the exclusion is permanent and explain the right of parents/guardians to have the decision reviewed by an independent review panel.

4. Summary of the Governing Body's duties to review the Headmaster's exclusion decision

Annex A – A summary of the governing body’s duties to review the head teacher’s exclusion decision



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.

5. Responsibilities of the Governing Body

Full details of the responsibilities of the Governing Body with regard to exclusions can be found in the following paper: "The School Discipline (Pupil Exclusions and Reviews) (England Regulations 2012" Part 4, sections 24 – 29 <http://www.legislation.gov.uk/ukxi/2012/1033/made> and DfE guide "Exclusion from maintained schools, Academies and pupil referral units in England" section 6. <https://www.gov.uk/government/publications/school-exclusion>

6. Independent Review

If parents/guardians wish an Independent Review Panel to review the decision, they must set out the grounds for the request in writing including reference to how they consider the pupil's special educational needs and disabilities are relevant to the exclusion. Regardless of whether the pupil has recognised special educational needs or disabilities, they have the right to ask the School to appoint an SEND expert to attend the review. The panel can decide to:

- uphold the exclusion decision
- recommend that the Governing Body reconsiders its decision.
- quash the decision and direct that the Governing Body considers the exclusion again. This is limited to circumstances where the panel decides the School has acted illegally, irrationally, or in a procedurally flawed manner that has led to injustice.

Parents/ guardians may at their own expense appoint someone to make written and/or oral representations to the panel. They may also be accompanied by a friend. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-term or permanent exclusion parents/guardians may make a claim to the First-tier tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Details of the duty of the Governing Body to arrange an independent review panel can be found in the DfE guide "Exclusion from maintained schools, Academies and pupil referral units in England" section 8.

<https://www.gov.uk/government/publications/school-exclusion>