



GEORGE ABBOT SCHOOL

Policy Title:	Exclusion Policy 2018/19
Date of most recent review:	September 2018
School Mission Statement: Academic excellence within a strong community of equality and respect, where potential and opportunity are realised.	

- 1) George Abbot School is committed to the philosophy and practice of inclusion.
- 2) Our school is committed to using restorative behaviour management approaches as outlined in the behaviour policy. This relies on the use of 'Pivotal' behaviour strategies to ensure that all students have a dialogue with staff members about behaviour to avoid escalation.
- 3) George Abbot School aims to provide a stimulating learning environment in order to maximise every young person's individual potential. We aim to do this through providing appropriate challenge for every student and by developing life-long positive attitudes to learning.

This will be achieved by:

- A broad and balanced curriculum to promote a full range of learning, thinking and life skills.
- A challenging curriculum which is relevant and stimulating.
- Using flexible approaches to curriculum and teaching to meet the needs of all learners.
- Equipping young people with the skills and character traits necessary for them to fulfil their potential as resilient members of society.
- Developing a close partnership within and with the whole community, including all stakeholders.

We aim to provide a happy, healthy and safe school that offers excellent pastoral care and that ensures that all groups of learners are supported and nurtured. We aim for equity for all groups including Looked After Children, SEND and Disadvantaged groups.

This will be achieved by:

- Recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our pupils and staff members.
- Providing high quality pastoral care, support and guidance, driven by the leadership team.
- Safeguarding the health, safety and welfare of pupils and staff.
- Listening and responding to the concerns of learners and parents.

For clarity, all references in this policy to parents shall include parents and carers.

- 4) Exclusion is an extreme sanction and is only used by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher).
- 5) Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will ensure that:
 - Appropriate investigations have been carried out.
 - All the evidence available has been considered, from all parties
 - That statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account.

Having considered these matters the Headteacher will make a decision on exclusion based on the balance of probabilities established. In reaching a decision, the Headteacher will look at each case on its own merits and avoid fixing a standard penalty for a particular action.

6) When exclusion is normally used:

- Exclusion, whether fixed term or permanent, may be used for reasons determined by the Headteacher which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour for Learning Policy.

Exclusion may be used:

- For a major first offence, such as serious actual or threatened violence, physical abuse or assault, supplying banned substances or carrying an offensive weapon. (This list is not exhaustive)
- Where allowing a pupil to remain in school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff or of the pupil him/herself. More usually it follows a series of breaches of the school's disciplinary code and after a range of strategies to resolve the pupil's behaviour for learning have been tried and have failed.
- When the behaviour of pupils outside school is such that it can be considered as grounds for exclusion.

7) Fixed Term Exclusions:

- A student will not be excluded for a period that exceeds 45 days in any one school year.
- The school will make every effort to inform parents of a fixed term exclusion before the end of the school day by telephone, email or text message if necessary.
- This will be followed up in all cases with a letter.
- Parents will be informed of the length of the exclusion, the reasons for the exclusion and their rights, including their right to make representations and who to contact if they wish to make representations about the exclusion.
- When a student is required to be at home, parents will be advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.
- Parents could get help and advice from:
 - statutory guidance on exclusions:
<https://www.gov.uk/topic/schools-colleges-childrens-services/school-behaviour-attendance>
 - a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008
- The letter will also make clear the date and time when the student should return to school with the date and time of the reintegration meeting with the Headteacher or SLT member.
- The school will continue to provide education for all students on fixed term exclusion. This may be via access to online learning platforms such as 'MyMaths' or 'SAM Learning'.
- The school will take account of its legal duty of care when sending a pupil home following an exclusion. 'Holding' arrangements until the pupil can be collected may be necessary.
- If a student with a Statement of SEND or EHCP is excluded, the school will liaise with the SEN team and seek advice to support the student moving forward.
- The school will plan the return and reintegration into school after fixed term exclusions with parents and students.
- The Head will provide governors' with termly updates regarding exclusion statistics.
- According to Department for Education guidance, George Abbot school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.
- The school will consult with the LA officers for any exclusion of more than five days in order that appropriate full time education and transport is arranged.

8) Informing Other Bodies

For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the Headteacher will also:

- Notifying the GEP Education Committee giving the details of the exclusion and reasons for it.
- Notify the local governing body giving the same details.
- For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher must also inform the 'home authority' of the exclusion without delay.
- If any exclusion of even one day would cause a pupil to miss a public examination, the Headteacher will inform the LA and the local governing body. This will be avoided wherever reasonable.

The Headteacher will make a termly report to the local governing body on all exclusions, covering:

- The number and type of exclusions by gender, group and age of pupils.

In addition, within 14 days of a request the school will report information about any exclusion within the last 12 months to the Education Secretary.

9) The Procedure of Appeal following Exclusion

Should the parents of an excluded pupil wish to challenge the Headteacher's decision to exclude, they should, in the first instance, ask for a meeting with the Headteacher within 5 days to discuss the decision. This is an opportunity to provide any new information which has not previously been considered.

If the Headteacher upholds the decision to exclude and the parents wish to further challenge that decision, the parents must make written representations to the Chair of the local governing body within 7 days of the meeting. If the pupil is aged 18 or over, he/she may represent herself provided there is parental agreement.

10) The Role of the Local Governing Body

The Local Governing Body delegates all of its functions in respect of exclusions to the Chair of the Local Governing Body or to an Exclusions Appeal committee (hereafter referred to as 'the committee') as described more fully in Section 11, dependent on the length of the exclusion.

Depending on the length of the exclusion, the committee may convene an Appeal meeting to re-consider the decision to exclude or may make a decision without holding an Appeal meeting.

- In the case of fixed term exclusion that does not bring the pupil's total number of days of exclusion to more than five days in a term, the Chair of the Local Governing Body will consider with representation made by and received by parents/carers of an excluded pupil and cannot direct reinstatement and is not required to convene an Appeal Meeting.
- In the case of fixed term exclusions of 5 – 15 days, the calling of an Appeal Meeting is at the discretion of the committee, whose members will all consider.
- In the case of exclusions of 15 days or more, or permanent exclusions, an Appeal Meeting is compulsory.
- The chair to the Local Governing Body and the committee has no power to increase the severity of exclusion. They can, however uphold the decision or direct the pupil's reinstatement, either immediately or by a particular date.

11) Exclusion Appeal Committee

- The committee consists of at least three governors.
- A clerk to the exclusion appeal committee is also appointed who takes notes and arranges an exchange of paperwork before the meeting.
- The committee can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one.

- Where any member of the committee has knowledge of the pupil(s) involved in the exclusion, or of the incident that led to that exclusion that could affect his/her impartiality, he/she will step down.
- The chair has a casting vote in all cases where an even number of governors are considering the case
- If the exclusion could result in a pupil missing a public examination, the committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors alone will consider the exclusion and decide whether to re-instate the pupil. When this occurs, the parents also have the right to make oral representations. If possible, the chair of governors will have the advice of the clerk or an LA officer. The committee or chair of governors may agree to allow the pupil back on to the school premises for the sole purpose of sitting an examination but they are not obliged to do so.

12) Convening an Appeal Meeting

Fixed Term Exclusions of 5-15 Days

If the parents of an excluded pupil makes written representations:

- The committee will consider them.
- No statutory time limits apply to the consideration of such exclusions.
- The committee has the discretion to agree to a meeting to discuss the exclusion, if this is requested by the parents.
- In the case of a fixed term exclusion of more than 5 but not more than 15 school days, the committee, once having agreed to hold a meeting will hold that meeting between the 6th and the 16th school day after receiving notice of the exclusion from Headteacher.

Longer Fixed Term Exclusions and Permanent Exclusions

- Should the exclusion be for more than 15 days, or the total of fixed term exclusions be more than 15 days that term, or if the exclusion is a permanent one, the committee has a duty to convene a meeting to be held between the 5th and the 16th school day after the date of receipt of a notice to consider the exclusion.
- The parents, the Headteacher (and an LA officer if the school chooses) will be invited to the meeting at a time and a place convenient to all the participants within the statutory time limit. The parent and the school may each be accompanied by a friend/advisor.
- The committee will ask for any written statements including witness statements in advance of the meeting
- The clerk will circulate in advance of the meeting any written statements and a list of those who will be present at the meeting to all parties including the pupil if it is known that he/she will be present.

Prior to the meeting the committee should;

- Not discuss the exclusion with any party outside the meeting
- Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on her own behalf.

13) Conduct of the Meeting

The meeting will be conducted as follows:

- No party to the review will be alone with the committee before, during or after the meeting
- The clerk makes all introductions and explains the reason for the meeting and the powers held by the committee either to uphold an exclusion or re-instate the pupil
- The school representative, usually the Headteacher, will present the school's case.
- He/she can be questioned by all the other parties.
- The parents will be asked to give their reasons for appealing.

- A friend or advisor may present the parents' case. If so, the parents and the pupil, if present, will still be asked if they have anything to add. The other parties may question and / or comment on what the family has said.
- If present, the LA representative will provide information on support for pupils in the LA and how similar incidents have been dealt with by other schools, and can be questioned on these, but may not comment on the specific case being discussed.
- The school sums up its case
- The parents or their representative sum up their case
- All the parties except the committee and the clerk leave

The committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the pupil. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

14) The Decision - Fixed Term Exclusions

The clerk may help the committee in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards.

In reaching its' decision, the committee should be mindful that the government does not allow exclusion to be justified for:

- A breach of uniform or appearance, except for persistent defiance
- Minor incidents such as failure to complete homework or to bring in money owed
- Poor academic work
- Lateness or truancy
- Pregnancy
- Behaviour for learning that is directly related to a child's Statement of special educational needs or EHCP, except for very serious offences or where other students or staff are placed at risk.

In the case of fixed term exclusion, it is possible that the exclusion may already have expired and the pupil is back in school. In that case the committee will decide whether:

- The Headteacher's decision to exclude the pupil was justified, based on the evidence
- The outcome should be added to the pupil's record for future reference

In rare cases, the parents may have already decided that they do not want their child reinstated whatever the committee's decision. Under those circumstances, the committee should simply record whether or not they believed that the Headteacher's decision was justified. This view should be recorded and sent to the parents.

If the fixed term exclusion is still operative:

- The committee will decide whether or not the Headteacher's decision to exclude was justified.
- They can either uphold the exclusion, which will have to run its course, or
- Direct the pupil's reinstatement either immediately or on a named date

The committee through the clerk must inform the parents and the Headteacher of their decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the Headteacher to reinstate the pupil.

The school has in place established procedures both for the return to school of a pupil whose fixed term exclusion has been upheld, and for the reinstatement of a pupil whose exclusion has been overturned. On their return, a pupil first has a meeting with the Headteacher or another senior member of staff, responsible for the pupil's welfare, along with his/her parents.

15) Permanent Exclusion

We follow government guidance which sets out instances in which it would normally be inappropriate to reinstate a pupil. These are:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying illegal drugs
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules

When the committee decides to uphold a permanent exclusion, a letter to the parents (or to the pupil if aged 18 or over) will state:

- Their reason for the decision
- The right of the family to appeal to an Independent Review panel, together with the name and address of the person to whom any request for a review should be sent
- The date by which any request for a review should be lodged
- That any request for a review must set out the grounds on which the request is made
- That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a First Tier Tribunal or a County Court.

If the committee decides to overturn the exclusion, again as with fixed term exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the governing body's views on the exclusion will be placed on the pupil's school record with copies of relevant papers.

16) Independent Review Panels

We advise parents that they can request a review of the decision by the chair of the Local Governing Body or governor's Exclusion Appeals committee to uphold a permanent exclusion. The Guildford Education Partnership (GEP) is responsible for managing and training independent panels concerning cases of permanent exclusion. An independent panel can uphold an exclusion but cannot overturn the decision of a governors' committee. The panel can recommend that the governing body reconsiders its decision, taking account of the findings of the panel. If the panel has grounds for believing that the governors' decision was flawed, they can direct the governing body to reconsider their decision.

17) Follow Up

Where an application for an independent review has been made within 15 school days of the appeal meeting the pupil will remain on the school roll until the review has been held and its outcome known.

The Headteacher will, however, remove the name of a permanently excluded pupil from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold the permanent exclusion.

OR

- The parents have stated in writing that they will not be applying for an independent review.

If the parents go on to make a discrimination claim which is upheld by either a First Tier Tribunal or the County Court, the pupil must be re-instated.