



## **Exclusions policy**

**Review date: January 2021**

**Next review date: January 2022**

**Staff resp. for review: MHA/TDA/STS**

## **Rationale**

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

- 1) The first is to ensure the safety and well-being of all members of the college community, and to maintain an appropriate educational environment in which all can learn and be successful, and
- 2) the second is to realise the aim of reducing the need to use exclusion as a sanction.

Any exclusion must be lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including under the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair and proportionate.

## **Introduction**

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy or Assistant Headteacher). This policy should be read in conjunction with the college's Behaviour and anti bullying policy which details the rewards and sanctions that are used both in and out of class. Exclusion, whether fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct:

- 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
- Bullying
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Being in possession of an offensive weapon
- Using an offensive weapon
- Being in possession of a firework
- Setting a firework off
- Arson
- Unacceptable behaviour which has previously been reported and for which sanctions and other interventions have not been successful in modifying the

- student's behaviour
- Persistent disruptive behaviour

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

## **Exclusions**

- Most exclusions are of a fixed term nature and are of short duration
- The DfE regulations allow the Headteacher to “exclude a student for one or more fixed periods not exceeding 45 school days in any one school year”
- The local authority and the Governing body is informed about all exclusions both fixed term and permanent
- Wherever reference is made to Local Authority this is the Local Authority of the student subject to the exclusion.
- Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the college or the student concerned

### *Procedure*

- 1) Following exclusion parents/guardians are contacted immediately where possible; a letter will be sent by post giving details of the exclusion and the date the exclusion ends (see appendices 1 and 2 for examples of fixed and permanent exclusion letters).
- 2) A fixed term exclusion can occasionally take the form of an “internal” exclusion; however, in most circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the student being required to remain at home.
- 3) During the course of a fixed term exclusion where the student is to be at home, parents/guardians are advised that the student is not allowed on the college premises and that daytime supervision is their responsibility, as parents/guardians; in line with legislation he/she is not allowed to be present in a public place during college hours without reasonable justification; work will be set by the college for the period of exclusion.
- 4) A reintegration meeting will be held following the expiry of the fixed term exclusion and this will normally involve the head of year/pastoral leader, a member of the senior leadership team (SLT) and/or the Headteacher.
- 5) The student may be placed on report to the head of year, pastoral leader or senior leadership team on their return to monitor behaviour and work ( if the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, further support will be considered; this needs to be agreed with the college, student and parents).

## **Reintegration Process**

After a fixed term Exclusion period a reintegration meeting must be held. This is a critical part of the overall strategy to support the student in avoiding negative behaviours.

The following process applies to this

- 1) The HOY/SLT lead will arrange for a meeting with the parents/carer and the student to be held on or just prior to the student returning to the school.
- 2) Should the parent be unable to attend then the meeting will be held at the end of the first day of the students return to school with the student present.
- 3) Until a reintegration meeting has been held the student will not be allowed to return to their classes but will be provided with work in the Behaviour Support Room.
- 4) At the Reintegration meeting the behaviours/incident which resulted in the exclusion will be discussed. The student will be placed on a report for a two week period which will include reporting daily to their HOY or SLT lead. The student will also be supported with mentoring to support their transition.

Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account behaviour, equal opportunity and race equality policies
- Allow the student to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment

If the Headteacher 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.

## **Exercise of discretion**

In reaching a decision, the Headteacher 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. When imposing a fixed term exclusion consideration will however be given as to whether the student has had previous exclusions and the reasons for these, repeated poor behaviours will generally result in longer fixed term exclusions being imposed.

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

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the college's Behaviour and Anti-bullying Policy, and
- b) the effect that the student remaining in the college 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 or supplying drugs, it is the college's usual policy in these particularly serious matters, to issue a permanent exclusion. The governing body will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's behaviour record, witness statements and the strategies and interventions used by the college to support the student prior to exclusion.

## **Alternatives to exclusion**

The college actively pursues a policy of using alternatives to both fixed term and permanent exclusions in the following ways

- A student with a poor disciplinary record who may be close to a permanent exclusion will meet with their parents/guardians and a member of SLT; consideration will also be given to providing additional help and support in order to attempt to support the identified needs and prevent the need for further consequences
- Students close to a permanent exclusion may be asked to a governors' behaviour panel; parents/guardians are also invited to attend and may bring a friend or representative to support either themselves or the student; the governors will talk to the student and their parents/representatives as well as the Headteacher (or his/her representative) to understand the issues arising and will want to satisfy themselves that the college is supporting the student in good behaviour while also making sure both student and parents understand the possible outcomes and consequences should poor behaviour continue
- Should the above and any other measures fail and a student is deemed to be very close to permanent exclusion then he/she, subject to meetings with parents/guardians, and their agreement, may be referred to an alternative provision for a fixed period of time
- In cases where a student is close to or at risk of permanent exclusion, and with the parents/guardians permission, the college may refer a student to the Croydon Fair Access panel or if the student is not a Croydon resident to the equivalent body in other local authorities; the Croydon panel meets every three weeks (this may vary across other local authorities) and will consider an alternative placement for a student; depending on the circumstances this may be at another mainstream school or in a more specialised provision (e.g. a pupil referral unit or alternative education provider); if an alternative place is offered for the student the parents/guardians then have to decide whether to accept this place or not

## **Behaviour outside college**

Students' behaviour outside college on for example trips and journeys, off-site sports events or a work experience placement are subject to the college's Behaviour and Anti-bullying Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in the college. For behaviour outside college but not on college trips/event this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the college or on a journey to and from the college is poor and meets the college criteria for exclusion then the Headteacher may decide to exclude.

## **Drug-related exclusions**

This policy is written in accordance with the advice and guidance outlined within the DfE and ACPO's Drug Advice For Schools which states: "Any response to drug-related incidents needs to balance the needs of the individual pupils concerned with the wider school community. In deciding what action to take schools should follow their own disciplinary procedures." 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.

## **Permanent exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies which have been used without success. 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 (which would include racist or homophobic bullying) or repeated possession and or use of an illegal drug on college premises.
2. The second is 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:
  - Actual or threatened violence against another student or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug
  - Bringing an illegal drug into college
  - Carrying an offensive weapon\*
  - Arson
  - Assault on a member of staff

\*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 or by some other person."

The college, in line with its protocols, will consider police involvement for any of the above offences.

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 college.

The decision to permanently exclude a student will be taken in the following

circumstances:

- (a) in response to a serious breach, or persistent breaches, of the college's behaviour policy, and
- (b) if allowing the student to remain in college would seriously harm the education or welfare of the student or others in the college.

### **Appeals Process**

Parents/Carers have the right to make representations to the Governing body. The following will occur

- 1) The Parent/Carer will contact the Clerk to Governing Body. Details are provided on the Exclusion letter
- 2) The Governing body does not have the power to direct reinstatement but will consider the representation
- 3) The Governing body can note their findings on the students file

If a parent/Carer believe that the exclusion relates to a disability that their child has then they have a right to appeal, if they believe disability discrimination has occurred, to the Special Educational Needs and Disability Tribunal. Details will be provided in the exclusion letter.

## Appendix 1 – Fixed Term Exclusion Letter

[Names of parent(s)/guardian(s)]  
[Address]

[Date]

Dear [Parent],

Re: [Student's name and date of birth]

I am writing to inform you of my decision to exclude [student's name] for a fixed period of [number of days]. This means that she will not be allowed in college for this period. The exclusion begins on [start date/time] and ends at [end date/time].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [student's name] has not been taken lightly. [Student's name] has been excluded for the following reason(s):

[Reason(s) for exclusion]

You have a duty to ensure that [student's name] is not found in a public place during this exclusion, unless there is a reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if she is found in a public place during normal college hours on the specified dates without reasonable justification. [Student's name] should complete work provided on Fronter.

You have the right to make representations to the governing body. If you wish to make representations please contact Mrs D. McCardie, Clerk to the Governors, at Norbury Manor Business and Enterprise College for Girls, Kensington Avenue, Thornton Heath, CR7 8BT, tel. no. 020 8679 0062, as soon as possible. Whilst the governing body have no power to direct reinstatement, they must consider any representations you make and may add a note of their findings to [student's name]'s college file.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

If you wish to discuss this matter further, please phone me at the college to arrange a suitable time.

You have the right to see and have a copy of, your daughter's college record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied



with a copy of [student's name]'s college record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact one of the following for advice and information on exclusions;

- Paul Brightly-Jones principal officer, exclusions and reintegration Tel: 020 8726 7438 Email: paul.brightly-jones@croydon.gov.uk
- Diane Anthony business support officer (exclusions) Tel: 020 8726 6000 Ext: 65683 Email: diane.anthony@croydon.gov.uk
- Croydon Exclusion Helpline on 020 8760 5540
- If your child has special educational needs you may want to contact, Croydon Parent Partnership Service on 020 8688 8288.
- You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

A reintegration meeting is arranged for [date/time] which you should attend with [student's name]. Following this meeting she will return to school.

Yours sincerely

Mrs M Hayden

Headteacher

## Appendix 2 – Permanent Exclusion Letter

[Names of parent(s)/guardian(s)]  
[Address]

[Date]

Dear [Parent],

Re: [Student's name and date of birth]

I regret to inform you of my decision to permanently exclude [student's name] with effect from [date exclusion starts]. This means that [student's name] will not be allowed in this school unless she is reinstated by the governing body.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [student's name] has not been taken lightly. [Student's name] has been excluded because:

[Reason for exclusion]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. [dates of the first 5 days] (inclusive) unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for [student's name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [student's name] and would ask you to ensure this work is completed and returned promptly to school for marking. [Details, if known, of alternative provision including start date/time, address of provision and the name of the relevant person at the provision to be contacted.]

I have also today informed [relevant local authority designated person and their contact details].

As this is a permanent exclusion the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in school. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request a review of their decision by an Independent Review Panel. The latest date by which the governing body must meet is [latest date for meeting]. If you wish to make representations to

the governing body and wish to be accompanied by a friend or representative please contact Mrs D. McCardie, PA to Headteacher at Norbury Manor Business and Enterprise College for Girls, telephone number 020 8679 0062 or [dmccardie@nmbec.org.uk](mailto:dmccardie@nmbec.org.uk) as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform Mrs McCardie if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the governing body/management committee.

You have the right to see a copy of [student's name] school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of [student's name]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

For your information the following sources of information are available to you:

- Paul Brightly-Jones principal officer, exclusions and reintegration Tel: 020 8726 7438 Email: [paul.brightly-jones@croydon.gov.uk](mailto:paul.brightly-jones@croydon.gov.uk)
- Diane Anthony business support officer (exclusions) Tel: 020 8726 6000 Ext: 65683 Email: [diane.anthony@croydon.gov.uk](mailto:diane.anthony@croydon.gov.uk)
- You may also find it useful to view the Coram Children's Legal Centre website [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). They aim to provide free legal advice and information to parents on state education matters.
- The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Yours sincerely

Mrs M Hayden  
Headteacher