



St. Gregory's Catholic High School

Exclusion Policy

Monitoring

The implementation of the policy will be monitored by the Deputy Headteacher, Pastoral.

Evaluation

The policy was reviewed by the Deputy Headteacher (Pastoral) and the SLT on 2nd November 2021 prior to the submission of the policy to Governors' Community Committee for scrutiny and recommendation to the Full Governing Board for approval.

Policy Review Dates:

Date last approved by Full Governing Board: 6th December 2018

Date submitted to Governors' Committee: 17th November 2021

Date submitted to Full Governing Board: 8th December 2021

Review Frequency: Annually

Start date for policy review: September 2022

Throughout this document reference will be made to individuals who have a role to play in the Safeguarding of the school. Whilst individuals are named it is important to remember that there may be reasons why they can not carry out their specific duties (sickness, leave etc). In this case they will name a deputy who will act in their role and carry out their duties. Where reference is made to the 'Responsible person' this will normally be the Head Teacher or a nominated deputy i.e. a person with a level of competency commensurate to the post and duties involved.

Please Note: This policy, is a working document, may be subject to changes as appropriate (such as changes in legislation, working practices, and in response to matters arising in school). Updated policies will always be on the website.

St Gregory's Catholic High School's aim is to provide an experience of a Christian community in which is established a spirit of mutual trust and co-operation: "thus will be fostered the fullest spiritual, academic and personal development" of our students. Students, Parents/Carers, Governors and Staff are in partnership. The sharing of common goals is essential to the well-being of our community and to the fulfilment of the high aspirations we have for all our students.

Aim

This policy is underpinned by the commitment of all to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve. We have an overall aim of reducing the need to use exclusion as a sanction.

This policy must be read in conjunction with the School's Behaviour for Learning Policy and associated policies. Additional procedural advice and legislation is set out in DfE document: 'Exclusion from maintained schools, Academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion September, 2017. This document is available from [Exclusion from maintained schools, academies and pupil referral units in England \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

Specific sections are cross referenced in this policy.

The guidance and this policy refers to Section 51A of the Education Act 2002/ School Discipline Regulations 2012 and Section 100 to 108 of the Education and Inspection Act 2006 and Education Regulations 2007.

Introduction

Good discipline in school is essential to ensure all students can benefit from the learning opportunities provided at St. Gregory's Catholic High School. The Government will support the decision of the Headteacher who will be confident in using the exclusion when it is lawful, reasonable and fair action. (Section 3 of Statutory Guidance 2017)

The decision to exclude a student will be taken by the Headteacher in the following circumstances: -

- a) In response to a serious breach or persistent breaches of our School's Behaviour for Learning Policy.
- b) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the school.

The Headteacher can decide to exclude a student if they misbehave in or outside school.

Exclusion is an extreme sanction and is only used by the Headteacher or the nominated member of the SLT in his absence and authority has been delegated to the named member of staff (Deputy Head Teacher for Pastoral).

Exclusion will be used when there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will ensure appropriate investigations have been carried out, considering all the recorded evidence available. The Headteacher will weigh up the seriousness or persistence of a student's behaviour, together with the impact of not excluding the student on St Gregory's Catholic High School as a whole and the integrity of our Behaviour for Learning Policy.

The Headteacher will also take into account any contributing factors that may be linked to unacceptable behaviour such as bereavement, mental health issues, bullying, emotional stress. Evidence will be presented by the Deputy Head teacher (Pastoral) and relevant staff for a full contextual picture to be considered and discussed.

Early intervention takes place, including Internal Isolation (see Behaviour for Learning Policy) to support students to make correct choices and SEN support through referrals to appropriate agencies.

St Gregory's Catholic High will follow all guidance regarding students on EHC plans and CIC (Children in Care/Looked After). The school will engage proactively with the parents/carers of all vulnerable/ 'at risk' students to avoid an exclusion.

Exclusion whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of St Gregory's Catholic High School's Behaviour for Learning Policy:

- Violent or aggressive behaviour towards other students
- Verbal and/or physical abuse of staff
- Theft
- Defiance of authority
- Deliberate damage to property
- Tampering in any way with safety equipment
- Racial abuse or harassment
- Sexual harassment
- Possession or misuse of substances which may be either illegal or not allowed in school (including alcohol, solvents, tobacco, some prescription medicines, illegal drugs, e-cigarettes)
- Possession of weapons including real or replica knives, blades, razor blades, sharp points etc.
- Possession of laser pens, lighters, matches, fireworks
- Deliberate setting off of the fire alarm
- Plus any other incidents of an extreme nature

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

Behaviour of students outside school may be considered as grounds for exclusion. This will be in accordance with the School's Behaviour for Learning Policy. Our Behaviour for Learning Policy states under sanctions:

Fixed Term Exclusion - the Headteacher may exclude a Student from school in exceptional circumstances. Fixed term exclusion is used for serious offences or where previous sanctions have failed to bring about an appropriate change in behaviour.

When considering the period of a fixed term exclusion, the Headteacher with the Pastoral Deputy Headteacher will take in to account a variety of factors in determining if this is the most appropriate sanction and the number of school days for which the exclusion will last. This will include:

- The age and level of maturity of the student
- Whether the student has a disability which has had an influence on the incident
- The personal home situation/safeguarding concerns including specific background context such as CIC.
- The conduct record of the student
- The response of the student to the investigation of the incident
- Whether others have been hurt as a result of the student's actions
- Account will also be taken of:
 - Any contributing factors e.g. pupil bereavement, mental health issues or victim of bullying
 - The legal duty of care to all members of the school community
 - Equality duties e.g. to advance equality of opportunity and foster good relations; and
 - SEND Code of Practice (if applicable).

A 'Re-integration' meeting will take place with the Headteacher/ Deputy Headteacher, parent/carers, student and Pupil Progress Manager. The student will be placed on an SLT report or PPM report card depending on the incident and previous conduct record of the pupil. This is seen as a positive reintegration process; the student is able to gather comments of a positive nature from subject teachers and from staff observing positive behaviours at break and lunch times. Parents/carers sign this daily and the Headteacher/Deputy Head Teacher summarises the student's commitment to learn from his/her mistakes at the end of one week. This is placed in the student's record folder.

All exclusions will be logged on SIMS and reports shared with Governors and LA. Governors will be given the details of personalised interventions and the impact of such strategies in supporting the student to avoid further exclusions.

Governor Panel

A Governor Panel is used for students who are in danger of permanent exclusion where all other sanctions have failed to make them appreciate the seriousness of their situation.

The Governor Panel will be chaired by a Governor; the Head Teacher, Deputy Head Teacher, PPM and student with parent/carers will also attend the meeting. SIMs records and all sanctions/interventions and their impact will be submitted. The consequences of a permanent exclusion will be clearly defined.

Parents/carers and pupil will be given an opportunity to contribute to the meeting and the panel meetings will be minuted.

Exclusion Procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one/ three/ five days).

- 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.
- Following exclusion parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. (Section 4.1/4.2 of Statutory Guidance 2017)
- Parents/carers have a right to make representations to the Governing Board and Local Authority as directed in the letter. Specific Guide to the Law can be referenced at 6.1 (52-60) of DfE Statutory Guidance September 2017.
- Provision will be made to set and mark work during the first five days of the exclusion.
- A 're-integration' meeting will be held following the expiry of the fixed term exclusion and this will involve the Headteacher/ Deputy Headteacher, parent/carer, student and Pupil Progress Manager (and other staff where appropriate) to reintegrate the student and discuss the management of the student's future behaviour.
- It is school practice to monitor behaviour and work of the student very closely for the period following exclusion. This will mean the use of a report and close monitoring by the student's Pupil Progress Manager and liaison with Deputy Headteacher.
- If the fixed term exclusion is greater than five days or an accumulation of exclusion exceeding five days, a Pastoral Support Plan may be drawn up. This needs to be agreed with the School, student, parents/carers and any agencies involved.
- During the course of a fixed term exclusion parents/carers are informed that it is their responsibility to make sure their child is not in a public place during school hours unless there is a good reason. They could be given a fixed penalty notice or prosecuted if the child is found in a public place when they are not supposed to be.

Fixed Term Exclusions over Five Days

According to the DfE guidance 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 utilise internal support agencies and consult with the Local Authority officers for any exclusion of more than five days in order that appropriate full time education is provided.

The school will liaise with the outside education provider to ensure that the student continues with their programme of study. In most cases the school will set the work to be completed and ensure that it is completed appropriately.

Permanent Exclusion

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

The first is a final, formal step in a concerted process for dealing with disciplinary issues 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.

The second is when the Headteacher may find it necessary to permanently exclude a student following investigation:

- in response to a very serious breach of the School's Behaviour for Learning Policy;
- if allowing the Student to remain in school would seriously harm the education or welfare of the Student or others in the school. (DfE Guidance).

This is a very serious step and would not be taken lightly.

In very exceptional circumstances, this step may be taken for a single isolated incident and in certain cases.

Other factors may need to be taken into account depending on the nature of the specific incident and in relation to other policies which may include Safeguarding and Child Protection, E-Safety, Anti Bullying, Behaviour for Learning, Substance Misuse.

Exercise of Discretion

In reaching a decision, the Headteacher will always look at each case on its own merits. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour for Learning Policy and the effect that the student remaining in the School would have on the education and welfare of other students and staff.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations at a Governors exclusion appeals hearing/meeting, when it meets to consider the Head teacher's decision to exclude.

The Deputy Headteacher will make a termly report to the Governing Board on all exclusions, covering:

- The number and types of exclusions.
- The reason, gender, ethnicity and age of students and whether they are already on Individual Education Programmes or Pastoral Support Programmes.
- Repeated exclusions and the School's response to them.
- Links with parents.
- Referrals for transfer to another school.
- Punctuality and attendance figures.
- Follow-up action, including what has subsequently happened to permanently excluded students.

Alternatives to Exclusion

The School works closely with other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another school.

Behaviour Outside School

Student's behaviour outside School on school 'business' for example educational visits and journeys, away sports fixtures or a work experience placement is subject to the School's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If student's behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the Head teacher may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Head teacher will have regard to the School's published policy on drugs and will also seek advice from the Local Authority.

Discipline/ Appeals Committee

In the event of an appeal the Governing Board will establish a discipline committee to which it delegates its functions in respect of exclusions. (Hereafter referred to as 'the committee').

The committee will:

- Consist of at least three Governors, none of which shall be Staff Governors and ordinarily none shall be Parent Governors. The only exception in respect of Parent Governors being that their membership of the committee is to allow the hearing to be dealt with expeditiously and, for example where there is difficulty in convening a panel and by allowing the use of a Parent Governor would then allow the student to attend a public examination. In any event the Parent Governor should have no prior knowledge of the case or the student concerned. In this instance the Chair of the Panel will ensure that the student and/or their representative are aware that a Parent Governor is one of the panel and why this has occurred.
- Ensure that all Governors who serve on a Discipline Committee have received training to help them discharge their duties. A Clerk to the Discipline Committee is also appointed.
- Can hear more than one appeal a single sitting so long as it complies with the statutory time limits related to each one.

NB

- If one of the committee had knowledge of the student(s) involved in the exclusion, or of the incident that led to the exclusion that could affect his/her impartiality, he/she should 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 student missing a public examination, the committee will make every effort to meet the date of the examination. Should this not be possible, then the Chair of Governors will consider the exclusion and decide whether to re-instate the student (these are the only circumstances in which the Chairperson alone will review an exclusion). 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 of a Local Authority officer/independent advice. The committee or Chair of Governors may agree to allow the student back on to the school premises for the sole purpose of sitting an examination but they are not obliged to do so.

The school will:

- Provide an information booklet to Governors detailing the exclusion
- Ensure that all exclusion letters, and those related to the incident(s), that have been sent to parents are included in the information booklet for Governors
- Ensure that only relevant information is included. (The history of the pupil and any interventions may be included but this information will not be used to make a decision)

- Provide a clear chronological order to include date of incident(s) as well as lesson and/or time where appropriate
- Ensure that actions taken to try to resolve the incident have been included within the booklet
- Provide information regarding the level of sanction
- Follow section 3 of the DfE guidance when a fixed term exclusion is changed to a permanent exclusion, to ensure that dates follow a chronological order
- Ensure that a letter is sent to parents if a fixed term exclusion is extended, stating the reason for this decision
- Provide details to Governors within the information booklet regarding the re-integration meeting; to include date and outcome of meeting
- Provide more than one witness statement, where possible
- Include an explanation of abbreviations that have been used within the booklet

Convening an Appeal Meeting

For Fixed Term Exclusions of 5-15 days

If the parents of an excluded student make 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 50th school day after receiving notice of the exclusion from the Head teacher.

For 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 will convene a meeting to be held between the 5th and 16th school day after the date of receipt of a notice to consider the exclusion.
- The parents/carers, the Headteacher and where deemed necessary a Local Authority officer/independent advisor will be invited to the meeting at a time and place convenient to all 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.
- A designated 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 student if it is known that he/she will be present.

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 student.
- The School representative, usually the Headteacher, will present the School's case and can be questioned by all the other parties.
- The parents will be asked to give their reasons for appealing. The parent's case could be put forward by a friend or advisor and if this is the case, the parents and the student, if present, will be asked if they have anything to add. Once the case has been presented questions can be asked by all other parties.
- Where appropriate the Local Authority representative will provide information on support for students in the Local Authority 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 will sum up the case.
- The parents/carers or their representatives will sum up their case.
- All 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 student. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

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 the case of fixed term exclusion, it is possible that the exclusion may already have expired and the student is back in school. In that case:

- The committee will decide whether the Headteacher's decision to exclude the student was justified, based on the evidence.
- The outcome should be added to the student'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 student's reinstatement either immediately or on a named date.

The committee through the Clerk must inform the parents, the Headteacher and the Local Authority 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 Head teacher to reinstate the student.

St Gregory's Catholic High School have in place established procedures both for the return to school of a student whose fixed term exclusion has been upheld, and for the reinstatement of a student whose exclusion has been overturned by the Governors Panel. On their return, a student first has a meeting with the Headteacher or another senior member of staff, responsible for the student's welfare, along with his/her parents/carers.

When the committee decides to uphold a permanent exclusion, a letter to the parents will state:

- The reason for the decision
- The right of the family to appeal to an Independent Appeal Panel, together with the name and address of the person to whom any notice of appeal should be sent.
- The date by which any notice of appeal should be lodged.
- That any notice of appeal must be set out the grounds on which the appeal is made.
- That any claims on grounds of disability discrimination can be set out.

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 of a later date for this to occur will be conveyed to all parties. A note of the Governing Board's views on the exclusion will be placed on the student's school record with copies of relevant papers.

Review Panels

St Gregory's Catholic High School advises parents that they can appeal against the decision by the Governors committee to uphold a permanent exclusion. The Local Authority is responsible for managing and training review panels concerning cases of permanent exclusion in all schools and Student Referral Units maintained by the authority. A review panel can:

- Uphold the decision of the Governing Board Panel.
 - Recommend that the Governing Board Panel reconsider the matter,
- or
- If it considers that the decision of the Governing Board Panel was flawed when considered in the light of the principles applicable on an application for judicial review, quash the decision and direct the responsible Board to reconsider the matter.

Follow Up

Until the appeals procedure is exhausted the student remains on roll. Work will be set and marked by the School for the first 15 days following the exclusion. After that, the responsibility for the child's education passes to the Local Authority.

Should the Local Authority place an excluded student with us, we will not refuse to take such a student unless we are full. However, if the child has already been excluded from two or more schools, then our Governing Board may refuse to take him/her.

Financial Implications of Exclusion

Should a student be permanently excluded, the appropriate sum allotted for that child's education will be deducted immediately from the school budget. The money will remain the school budget for a little longer if the parent chooses to appeal to a Governors' committee and then an Independent Appeals Panel. The money will, however, be removed from the school's budget on the day after the independent panel upheld a permanent exclusion. This is to ensure that the money follows the child to whatever form of education he/she receives after the exclusion. (Section 11 of Statutory Guidance 2017)

Quick Guide to the Exclusion Policy/Procedure

Exclusions are used for:

- Violent or aggressive behaviour towards other students
- Verbal and/or physical abuse of staff
- Theft
- Defiance of authority
- Deliberate damage to property
- Tampering in any way with safety equipment
- Racial abuse or harassment
- Sexual harassment and or sexual violence
- Possession or misuse of substances which may be either illegal or not allowed in school (including alcohol, solvents, tobacco, some prescription medicines, illegal drugs, e-cigarettes)
- Possession of weapons including real or replica knives, blades, razor blades, sharp points etc.
- Possession of laser pens, lighters, matches, fireworks
- Deliberate setting off the fire alarm
- Plus any other incidents of an extreme nature
- The situation where if a student was to remain in School it would cause a detriment to the education or the welfare of other students, staff or the individual involved.
- A series of breaches of the Behaviour Policy when strategies to resolve the issue have failed.

Only the Headteacher may exclude a student

- Exclusion cannot exceed 45 days in any one school year.
- If more than 5 days the Head teacher must notify Governors.
- Parents will be informed of all exclusions and their right to representation
- Where exclusion exceeds 6 days arrangements for suitable full time education must be made by the Headteacher.
- For exclusions of over 5 days or if the student will miss a public examination as a result, the Local Authority and the Governing Board will be informed.

If the Governing Board are to hear appeals:

- The committee must consist of at least 3 Governors (who must be suitably trained) and a Clerk of Governors.
- No members of the committee must have knowledge of the student involved
- The Chair has the casting vote in all cases where an even number of Governors are considering the case.

- If the student will miss a public examination, wherever possible the case should be heard before the date of the examination.
- For fixed term exclusions of 5-15 day the Governors consider the parents written representations and will arrange a meeting to be held between the 6th and 50th school day after notification.
- For longer fixed term of more than 15 days or permanent exclusions – a meeting will be held between the 5th and 16th school day after notification.
- If they uphold a permanent exclusion they will inform the parents in writing of their decision and their rights to appeal to a review panel including details of how to contact them and dates for the appeal to be made.

Parent/Carer Guide – DfE September 2017 Annex C

Parent/Carer Guide on Exclusion Disclaimer This non-statutory document is not replacing the statutory guidance on exclusion and is intended only to support parents' understanding of the exclusion process. The exclusion legislation applies to maintained schools; pupil referral units (PRUs); and academies/free schools - other than 16-19 academies. It applies to all pupils at these schools, including those who are above or below compulsory school age, for example where a school also has a nursery or a sixth form. It does not apply to fee-paying independent schools, stand-alone nurseries, stand-alone sixth form colleges and other post-16 provision, such as Further Education colleges. These have their own exclusion arrangements. If you are unsure in which category your child's school fits, you can find this information in Edubase: <http://www.education.gov.uk/edubase/about.xhtml>

A Summary of the Governing Bodies duties to review the Headteacher's Exclusion Decision

