

## Skipton Girls' High School

### Exclusion Policy

#### Statement of intent

At Skipton Girls' High School, we understand that good behaviour and discipline is essential for promoting a high quality of education.

Amongst other disciplinary sanctions, the school recognises that exclusion of Students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour for Learning Policy and Code of Conduct. Excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education of others; in all cases, excluding Students should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Headteacher and Local Governing Body when responding to student exclusions, in order to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a student's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

#### 1. Legal framework

1.1. This policy has due regard to the related statutory legislation, including but not limited to, the following:

- The Education Act 2002 (As amended by The Education Act 2011)
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007 (As amended 2014)
- European Convention on Human Rights (ECHR)
- The Equality Act 2010

1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE 'Exclusion from maintained schools, Academies and student referral units in England' 2012
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

1.3. This policy will be implemented in conjunction with the following school policies and procedures:

- Behavioural for Learning Policy and Code of Conduct
- Anti-Bullying Policy

## 2. **Grounds for exclusion**

2.1. The school will only exclude a student where it is necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour for Learning Policy and Code of Conduct, have failed to be successful or are not considered appropriate in the circumstances.

2.2. The following examples of behaviour may underline the school's decision to exclude a student:

- Any incident which poses a risk to other students or members of staff e.g. bringing a weapon onto the premises
- Any incidents which breach the law
- Persistent and/or severe bullying of any kind
- Verbal and physical abuse
- Constant disruption
- A single, serious and major incident, e.g. serious assault on another individual leading to injury

2.3. Students can be excluded on a fixed period basis, i.e. up to 45 school days within a year, or permanently. Similarly, fixed period exclusions can be extended into permanent exclusions where further evidence has been presented.

2.4. In all cases, the Headteacher will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

## 3. **A Headteacher's power to exclude**

3.1. Only the Headteacher has the power to exclude a student from the school, and is able to decide whether this is on a fixed period or permanent basis. All exclusions will only be issued on disciplinary grounds.

3.2. The Headteacher is able to exclude Students from the premises where their behaviour is disruptive during lunchtime (and social times of the day). All lunchtime exclusions will be counted as half of a school day.

3.3. The Headteacher is able to consider a student who engages in disruptive behaviour outside of school premises as grounds for exclusion, in accordance with the school's Behaviour for Learning Policy and Code of Conduct.

- 3.4. Any decision made to exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the European Convention on Human Rights (ECHR). All exclusions will be formally recorded.
- 3.5. When sending a student home following any exclusion, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the parents/carers.
- 3.6. The Headteacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 3.7. At all times, the Headteacher will take into account their legal duties under The Equality Act 2010 and the SEND Code of Practice: 0 to 25 years, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, etc., and will not increase the severity of a student's exclusion on these grounds.

#### **4. Factors to consider when excluding a student**

- 4.1. When considering the exclusion of a student, the Headteacher will:
  - Allow the student the opportunity to present their case.
  - Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised, or they have been subjected to bullying.
  - Take into consideration whether the student has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
  - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess Students who demonstrate consistently poor behaviour.
- 4.2. The Headteacher will consider what extra support may be available for vulnerable student groups whose exclusion rates are higher, in order to reduce their risk of exclusion, including the following:
  - Looked after children (LAC)
  - Disadvantaged students
  - Students with special educational needs and disabilities (SEND)
  - Ethnic groups
- 4.3. The Headteacher will work in conjunction with the parents/carers of any student with additional needs, in order to establish the most effective support mechanisms.

## 5. **Duty to inform parents/carers**

- 5.1. Following the Headteacher's decision to exclude a student, they will inform the parents/carers as soon as reasonably possible of the period of the exclusion and the reasons behind this.
- 5.2. The Headteacher will inform the parents/carers in writing, of the following:
  - The reasons for the exclusion
  - The length of the fixed period exclusion, or, for a permanent exclusion, the fact that it is permanent
  - The parents'/carers' right to raise any representations of the exclusion to the governing body, including how the student will be involved in this and how the representations will be made
  - The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school
  - Relevant sources of free, impartial information
- 5.3. Where the student is of compulsory school age, the Headteacher will inform the parents/carers by the end of the afternoon session that:
  - For the first five days of the exclusion, parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.
- 5.4. Where the Headteacher has arranged alternative provision, the Headteacher will also inform the parents/carers of the following:
  - The start date for any provision of full-time education, including starting and finishing times
  - The address at which the provision will take place
  - Any information necessary for the student to identify the person they should report to on the starting date
- 5.5. If the Headteacher has decided to extend the student's exclusion from a fixed period to permanent, they will notify the parents/carers of the extended exclusion, the reasons for this and any other important information.

## 6. **Duty to inform the governing body**

- 6.1. The Headteacher will inform the Chair of Governors (or designate) as soon as reasonably possible, of the following:
  - Any permanent exclusions (including where a fixed period exclusion has been extended to be permanent)
  - Any exclusions which would result in the student being excluded for more than five school days in a term (or more than 10 lunchtimes)
  - Any exclusions which would result in the student being absent from an examination or national curriculum test

6.2. For any exclusions other than those above, the Headteacher will notify the governing body once per term.

6.3. All notifications to the governing body will include the reasons for exclusion and the duration of any fixed period exclusion.

## 7. **Arranging education for excluded students**

7.1. During the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded student.

7.2. For any fixed period exclusions of more than five school days, the Headteacher will arrange suitable full-time education for the student, which will begin no later than the sixth day of exclusion.

7.3. If a student with SEND has been excluded, the Headteacher will ensure that any alternative provision is arranged in consultation with the parents/carers, who are able to request preferences.

## 8. **Considering exclusions**

8.1. A panel of three Governors will consider any representations made by parents/carers in regard to exclusion as noted in the exclusion letter.

8.2. The governing body will consider exclusions, and the reinstatement of the student, where:

- The exclusion is permanent.
- The exclusion is fixed period, and would bring the student's total number of excluded school days to more than 15 in any given term.
- The exclusion would result in the student missing a public examination.

8.3. After considering exclusions, the governing body will either:

- Uphold an exclusion; or
- Reinstatement the student immediately, or on a specified date.

8.4. If reinstatement is not possible, e.g. if the student has already returned to school following a fixed period exclusion, the governing body will consider whether the headteacher's decision to exclude the student was fair, lawful and proportionate, based on the evidence presented.

8.5. The governing body will notify the parents/carers of the excluded student and the headteacher of their decision following the consideration of an exclusion, in writing and without delay.

## 9. **Criminal investigations**

- 9.1. The headteacher will not postpone taking a decision to exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.
- 9.2. The headteacher will give consideration when deciding to exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 9.3. If the governing body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

This policy will be reviewed and updated on a regular basis in line with DFE/government legislation.

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