



EXCLUSIONS POLICY

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Supporting Students to Succeed

We aim to support, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can display inappropriate behaviour, but we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. However, this needs to be balanced with the needs and safety of other students in the School.

We will always consider whether the behaviour displayed by the child is a communication of a wider need or could be because the student has additional Social, Emotional and Mental Health (SEMH) needs which would lead us to believe that they should be covered by the SEN Code of Practice (2014) or covered by the Equality Act (2010)

Introduction

Internal Isolation

Internal isolation is when a student is moved away from the rest of the school and must work away from their class for a fixed amount of time. The Head or a member of the SLT (the decision to be discussed with the Head) can direct an internal isolation. A distinction is made between this and 'time out', which can be directed by staff members.

An internal isolation is a discretionary measure, where a student's behaviour is escalating and more serious measures need to be taken in an effort to avoid recourse to a more serious sanction in the future i.e. external suspension. Work will be set, or remote lessons attended, during an internal isolation. There are three possible types of exclusion (please see further details below):

There are two possible types of formal exclusion (please see further details below):

Suspension (previously known as fixed-term exclusion)

A suspension is when a student is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the student's education, whilst mindful of the seriousness of the breach of policy. Only the Head or in her absence, a member of the SLT to whom this authority has been temporarily given, can suspend a student.

Work will be set for a student to do at home, or remote lessons attended, during the period when they are suspended. In addition, consideration will be given to any relevant needs of the suspended student and how they might be addressed in the interim, together with the student's reintegration post-suspension.

A suspension constitutes a clear warning about continued membership of the School. In circumstances where a student receives further suspensions it increases the risk of a permanent exclusion being imposed should there be further instances of poor behaviour

Permanent Exclusion

A permanent exclusion is when a student is permanently excluded from school and not allowed to return. Verbal and written warnings as well as discussion would always occur before such action was taken unless it was a case of a single highly unacceptable action by the student; a student may be permanently excluded at any time if the Head is reasonably satisfied that the student's conduct (whether on or off school premises, or in or out of term time) has been prejudicial to good order or school discipline or to the reputation of the School. All safeguarding and serious disciplinary issues will always be forwarded to the next school.

There will be no refund of fees following expulsion as above and all unpaid fees and extras must be paid. The deposit will not be returned/credited, but fees in lieu of notice will not be charged.

In making decisions about exclusion, the Head may take into account any previous disciplinary history, special educational needs, disabilities, cultural differences and any other favourable or unfavourable conduct that may be relevant to the case.

Failure of parents to properly comply with the conditions set out in the acceptance form may also lead to the place for the student being immediately withdrawn.

Appeal

If parents disagree with the decision to suspend or exclude the student they should write to:

The Chair of the Governors
Canbury School
Kingston Hill
Kingston upon Thames
Surrey
KT2 7LN

The Appeals Committee of Governors would be convened to hear their concerns. The student and his/her parents/carers may, if they wish, be accompanied to the hearing by a friend or representative. Legal representation would not be appropriate. The Committee would either confirm the decision on exclusion or reinstate the student (it is not the role of such a panel to suggest alternative sanctions). The Committee's decision would be final.

Reasons for suspension or exclusion

A student may be excluded from Canbury for the following reasons. **This list of examples is not exhaustive.**

1. If the student continues to break School rules (The Canbury Code) after warnings and previous punishments.
2. If the student is not prepared to accept School sanctions such as detentions.
3. If the student brings into the School, or takes at School, illegal substances including drugs such as cannabis, tobacco, E-cigarettes, Vaping equipment, CBD fluid/essence, alcohol.
4. If the student is a danger to other students or staff, including physical assault or threatening behaviour.
5. If the student disrupts lessons so that other students cannot learn.
6. If the student is grossly rude to a member of staff or other employee of the School.
7. If all relevant facts are not disclosed on entry to the School and these prove to be pertinent to acceptance into the school that would not otherwise have been granted.
8. If the student does not adhere to the anti-bullying policy including cyber-bullying.
9. For theft
10. For damage to property.
11. For sexual harassment, racist abuse, religious abuse, gender abuse, disability abuse, sexual misconduct.
12. If a student has been found to have committed a criminal offence in or outside school or found to have behaved in a manner that tends to bring the School into disrepute.

Breaches of discipline outside the School's grounds

The School takes the conduct of its students out of school seriously. Students' behaviour outside school e.g. on school trips, at sports events, is subject to the School's Behaviour Policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school.

Where a serious incident is reported to the School of a student's poor behaviour outside of school, the School will follow the procedure set out in this policy.

This may apply in the following circumstances:

Misbehaviour when the student is:

- taking part in any activity organised by the School, or related to the School; and/or
- travelling to and from school; and/or

- wearing PE uniform; and/or
- in some other way identifiable as a student of the School.

Misbehaviour at any time, whether or not any of the above apply, that:

- could have repercussions for the orderly running of the School; and/or
- poses a threat to another student or member of the public; and/or
- could adversely affect the reputation of the School.

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media).

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the School's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

Procedure

The procedure that the School will follow before reaching a final decision about a fixed period or permanent exclusion has three distinct steps:

1. Investigation
2. Disciplinary meeting
3. Appeal (if requested)

1. Investigation

As part of the investigation:-

- The student(s) and staff involved may be asked to prepare written statements as soon as possible after the incident has taken place.
- The student(s) may be interviewed by a member of staff to establish whether there are grounds for the reported complaint and/or a formal investigation. The School is not required to inform the parents that an informal meeting is to take place but will arrange for a member of staff to be present to support the student. However, parents/carers will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the student being excluded or suspended.
- A student who is waiting to be interviewed may be segregated and the School may confiscate a student's mobile phone or other personal belongings (as appropriate) for such a period as it is deemed necessary.
- The School reserves the right to require the student to remain away from School as a neutral act during an investigation procedure. Alternatively, the student may be placed under a segregated regime on School premises. Work will be set for a student to do at home during this period.

The Head will ensure that an appropriate investigation has been conducted

- Ensure that all the relevant evidence has been considered.
- Wherever possible, the Head will inform the parent(s) as soon as reasonably practicable of any incident that could lead to a suspension or permanent exclusion and of the details of the

investigation taking place. This may not always be possible, in particular where on-going investigations produce new material.

- Give the student an opportunity to be heard and to put forward any mitigating factors,
- Consult other relevant people, or agencies, if necessary.
- If the Head considers that suspension or exclusion may be the appropriate sanction, the Head may take into account any previous disciplinary history, special educational needs, disabilities, cultural differences and any other favourable or unfavourable conduct that may be relevant to the case.
- Give a written decision about the incident and the appropriate sanction, together with reasons for those decisions, as soon as reasonably practicable.
- In circumstances involving the possibility of the student's required removal on the grounds of unreasonable parental behaviour, the Head will meet with the parents.

The Head will advise the Chair of Governors when a student is suspended or excluded.

2. Disciplinary meeting

If it is decided that a disciplinary meeting is appropriate, the meeting will be convened as soon as is practicable. The meeting will normally be conducted by the Head. The parents/carers may attend the meeting with their child, and may be accompanied by one other person, if they wish. This may be a relative, teacher or friend. Legal representation is not permitted.

At the meeting, the person/ people who conducted the investigation will give an account of their findings. A member of staff will take minutes at the meeting so that a record of what is said is taken by the School. The Head, the parents/carers and the student will be given the opportunity to ask questions. The parents/carers and the student will then be given the opportunity to offer any further contextual information or detail of any mitigating factors they would like to be taken into account before any decision is reached. If the Head considers that further investigation is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the student/their parents/carers.

Decision

Following the meeting, a decision will be reached on the balance of probability. The parents/carers will be informed of the decision in writing no later than two working days after the meeting except when it is necessary to suspend an investigation, for example, where external agencies such as the Police or Social Services are involved and their findings or recommendations are pending.

The Chair of Governors will be informed of the decision; a copy of the formal letter of decision will be sent to the Chair.

In making decisions about suspensions or exclusions the Head will take into account any special educational needs, disabilities and cultural differences that may be relevant to the case.

Any complaint relating to actions taken under the investigation or disciplinary meeting stages of this procedure will be dealt with by the School as an appeal under this Exclusions Policy.

3. Appeal

A decision to suspend or permanently exclude a student is not taken lightly. If parents are not satisfied

with the Head's decision to exclude, they may appeal in writing to the Chair of Governors within 15 school days of the notification.

The parents/carers may appeal the decision to the Governing Body by writing to the Clerk to the Governing Body. This should be done in writing or by email, within 5 working days of being notified of the decision. The appeal should set out the grounds for appeal. Receipt of the appeal request will normally be acknowledged by the Clerk within 5 working days.

The Panel

The Clerk will liaise with the Chair of Governors to convene a panel consisting of two governors, one of whom will chair the panel, and a third member who is independent of the management and running of the School. The Clerk will notify the parents/carers and the Head of the names of the panel members.

Notice of Appeal Hearing

An appeal hearing will be scheduled to take place as soon as practicable, normally within 15 working days of receipt of the request for an appeal.

Prior to the Hearing

The panel will have the sole and full authority to determine the outcome of the appeal and all matters of procedure arising prior to or in the course of the hearing, whether or not provided for in this procedure. The panel may request further information from either party in advance of the hearing.

If either party has any other additional information they would like the panel to consider, they should provide this to the Clerk no later than 7 working days in advance of the hearing. Any documentation which is submitted late may result in a delay in the panel reaching their decision. Unless directed otherwise by the panel, all information and documentation supplied by either party will be shared with the other. In exceptional circumstances where disclosure of documents would disclose information about other students, in breach of their rights under the data protection act or for reasons of Child Protection and where redacting names would not be adequate, copies of these documents may be supplied to the panel only.

The Clerk will prepare a bundle of papers for transmission to both parties and the panel members, normally at least 5 working days prior to the hearing.

Attendance at the Hearing

The parents/carers may attend the appeal hearing and be accompanied by their child and one other person, if they wish. This may be a relative, friend or work colleague. Legal representation will not normally be permitted.

The panel may retain the services of a Clerk (usually the Clerk to the Governors) who may take a written record of the hearing, but shall take no part in deciding the appeal.

Hearing Procedure

The hearing shall take place in private and shall be confidential. No recording may be made of the proceedings.

The manner in which the hearing is conducted shall be at the discretion of the panel.

The student and their parents/carers will be allowed to make representations to the Panel and ask questions. The Head and the member of staff who conducted the investigation will be present to explain the process followed and the basis on which the final decision was reached.

Members of the panel may ask further questions of those present.

Appeal Outcome

Following an adjournment, the panel will reach a decision and can overturn a decision to exclude permanently if it feels that the sanction was unreasonable in the circumstances.

The panel will write to the parents/carers informing them of its decision and the reasons for it, normally within 5 working days of the hearing. The decision of the panel will be final. A copy of the panel's findings and any recommendations will be sent by electronic mail or otherwise given to the parents/carers as well as the Chair of Governors and the Head.

After Disciplinary Meeting

Following a fixed period exclusion, the School will provide support for the student returning to School. This process begins with the student attending a meeting, usually led by the Head with the Form tutor or Head of Key stage present, to welcome the student back into the School and to discuss the student's feelings towards the event, work completed during the fixed period exclusion and looking to the future.

Expectations of behaviour following the fixed period exclusion are made clear to the student and this will be monitored closely in upcoming weeks and months. The student's transition back to normal School life will be monitored for a suitable period of time, usually by the tutor, to ensure the wellbeing of the student, as well as that of any potential victims e.g. in the case of fixed period exclusion due to bullying.

It may be appropriate to conduct some restorative justice or other strategies and this will usually have been discussed and agreed with students and their parents during the investigation process. Staff will be made aware of any potential impact and will be asked to remain vigilant, reporting any concerns immediately to the tutor and Head of Year.

If there is no appeal following the Head's decision for permanent exclusion, the student's family will begin the process of transitioning to another school. It is not the responsibility of the School to find a suitable alternative but in some cases advice may be offered. The School will be supportive during this process and provide as positive a reference as possible when asked to do so. It may be appropriate for the School to continue to provide work for the student during this time and this decision is left to the discretion of the Head.

Recording and monitoring

Where the sanction imposed is fixed period or permanent exclusion, the written report on the

investigation will be placed on the student's file.

Details of the fixed period or permanent exclusion will be recorded on the School's Student's Sanctions Record.

Roles and responsibilities

Informing parents

The Head will, as soon as practicable and normally within two days of a Disciplinary Hearing if one is convened, provide the following information, in writing and by email, to the parents of an excluded student:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- In the case of a suspension, The date on which the student should return to school and the requirement to attend a reintegration interview and the time of that interview.
- Information about parents' right to make representations about the suspension/ exclusion to the governing board
- How any representations should be made
- The requirement for the governing board to consider permanent exclusion, exclusion that takes the total number of days to 15 or more, exclusions that mean the student will miss public examination/s, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- The way in which alternative educational provision will be made available¹.

Notification should be in person or by telephone in the first instance, giving the parents/ carers an opportunity to ask any initial questions or raise concerns directly with the Head

Informing the governing board and local authority

The Head will immediately notify the governing board and the local authority (LA) of a permanent exclusion.

For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher or designated representative will also inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

Parental responsibilities

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason.

Considering the reinstatement of a student

Requirements on a governing board to consider an exclusion

The governing board has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors.

¹ It is important for schools to help minimise the disruption that exclusion can cause to an excluded student's education, in particular in the case of a looked after child, the school should work to arrange alternative provision from the first day following the exclusion.

The governing board must consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a suspension which brings the student's total number of school days of exclusion to more than 5 in a term or 15 in a year. Should the suspension have expired by the time of the appeal then a letter will be issued explaining the overruling of the original suspension.
- it would result in a student missing a public examination.

The governing board can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student on a particular date

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and fair. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The governing board will notify, in writing, the Head, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the permanent exclusion and no appeal has been lodged, or 15 days after panel's decision to not reinstate the student

Appendix A: Scrutiny of the exclusion From

Parents have the right to make their case about the exclusion of their child to the governing board. For fixed-period exclusions, unless the exclusion takes a student's total number of school days of exclusion past five in that term, the governing board must consider any case made by parents, but it cannot make the school reinstate the student and is not required to meet the parents. For all permanent exclusions, the governing board must consider, within 15 school days of being told about the exclusion, whether the excluded student should be reinstated. This is the same for fixed-period exclusions where the student will miss more than 15 days in one term, or will miss a public examination (e.g. a GCSE). For a fixed-period exclusion that brings a student's total excluded days to more than five but under 15 the governing board must consider reinstatement within 50 school days if the parent asks it to do this.

Appendix B: Arrangements after exclusion

Schools should take reasonable steps to set work for students during the first five days of a fixed-period exclusion. From the sixth day of an exclusion, suitable full-time education must be arranged for students

of compulsory school age (secondary school age), except for Year 11 students (final year of secondary school) whose final exams have passed. In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education.

If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of compulsory school age), they may follow the school's official complaints procedure.

Appendix C: Exams or national curriculum tests when a child is excluded

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded student to take a public examination or national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a public examination or national curriculum test, they should raise these with the school.

Appendix D: Legislation and Guidance

This policy is written with regard to:

- Behaviour in Schools Advice for headteachers and school staff July 2022
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089687/Behaviour_in_Schools_guidance_July_2022.pdf
- The Equality Act 2010 and schools Departmental advice for school leaders, school staff, governing bodies and local authorities May 2014
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf
- Special educational needs and disability code of practice: 0 to 25 years Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

This policy is written with regard to, but with some deviation (due to the independent status of Canbury and the limited support from Local Authorities for independent schools) from 'Exclusion from maintained schools, academies and student referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion September 2017'

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092493/20170831_Exclusion_Stat_guidance.pdf