



Exclusion Policy

Reviewed: 01.10.2018 | Next date for review: 01,10.2019

Introduction

All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Sanctions for misbehaviour that a school might use include: a reprimand, a letter to parents or guardians, removal from a class or group, loss of privileges, confiscation of a possession that is inappropriate in the classroom, or in serious cases or persistent incidents of misconduct, exclusion.

Exclusion, whether temporary or permanent, is used as a last resort. Permanent exclusion is used only in the most serious circumstances.

Running Deer School ('the School') has a set of general rules which are designed in order that the School may be a safe, happy and caring place where members of the School community show consideration, concern and respect for each other. These rules are found in the School's Behaviour Policy – Young People. All students are expected to comply with the School's Behaviour Policy.

Aims

This policy deals with the School's policy and procedure which informs the School's use of exclusion. It contains guidelines, which may be adapted as necessary, explaining the circumstances and sorts of behaviour that could merit exclusion.

Sanctions For Breaches Of Discipline That Do Not Merit Exclusion

Staff at the School have a statutory authority to discipline pupils whose behaviour is unacceptable, who break the School rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).

The case officer is responsible in the first instance for dealing with minor infringements, such as lateness, casual rudeness in class, late or poorly completed work. Additional work may be set as Sides, or the pupil may be required to re-do unsatisfactory work.

Repetition of this behaviour will be reported to an Executive Director.

The following breaches may result in the student's parent or guardian being contacted in order to resolve the issue:

- Persistent lateness



- Non-attendance
- Persistently poor academic performance
- Failure to attend in appropriate clothing – see Behaviour Policy – Young People

Confiscation may also be used as a sanction where appropriate. Under the general power to discipline, staff may confiscate, retain or dispose of a student's property as a punishment so long as it is reasonable in the circumstances.

Staff also have a power to search without consent for "prohibited items" including:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property; and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the staff member to decide if and when to return a confiscated item.

Reasonable force may be used to prevent student's committing an offence, injuring themselves or others, damaging property and to maintain good order and discipline in the classroom.

Reasonable force as the circumstances require, may also be used when conducting a search for prohibited items. The School's 'Contact and Restraint Policy' should be consulted for further information.

For repeated antisocial behaviour or some serious breaches of discipline, the Executive Directors may impose a temporary exclusion, for a period of between 24 hours and one week for very serious indiscipline, or less serious offences where repeated sanctions have proved ineffective.

The nature of the suspension will be determined by the circumstance of the student concerned. If the temporary exclusion is ineffective, the School may be forced to exclude the student permanently..



Serious Offences

A 'Serious Offence' refers to a breach of school rules that may result in temporary exclusion or permanent exclusion.

Examples of such behaviour include:

- Drug abuse
- Supply/possession/use of controlled drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Alcohol abuse
- Theft
- Bullying, including e-Bullying
- Physical assault/ threatening behaviour
- Fighting
- Sexual harassment
- Racist abuse
- Inappropriate and/or sexual misconduct
- Cheating, including plagiarism
- Damage to property
- Persistent disruptive behaviour
- Parental misconduct (such as abusive behaviour towards staff)
- Bringing the School into disrepute
- Absconding

The above is not an exhaustive list and there may be other situations where the Executive Directors make the judgment that exclusion is an appropriate sanction.

All Serious offences must be reported to the Executive Directors.



A student may also be required to leave if, after all appropriate consultation, the Executive Directors are satisfied that it is not in the best interests of the student, or of the School, that they remain at the School.

The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where exclusion needs to be considered, the School will ensure that a disabled student is able to present their case fully where their disability might hinder this.

Behaviour Outside School

Student behaviour outside School on school "business" - for example school trips or a work experience placement - is subject to School policies including the School's Behaviour Policy.

Inappropriate behaviour in these circumstances, including incidents where it is considered that the School has been brought into disrepute, will be dealt with as if it had taken place in School and in accordance with School policies, and this policy, where the circumstances warrant it.

Malicious Allegations Against Staff

A student who is found to have made malicious allegations against a member of staff will be managed in accordance with this policy which may result in permanent exclusion from the School.

Temporary Exclusions

In cases where it is deemed appropriate by the Executive Directors to make a temporary exclusion, these can be enforced without following the full procedure (see below).

Temporary exclusion may be based on a serious offence as detailed above. It is important to be realistic in assessing how long the suspension needs to be. Any suspension should in principle be

as brief as possible. If a relatively lengthy suspension is unavoidable, arrangements should be made for work to be sent home and marked. Parents should be told immediately of any decision to suspend and this should be followed up within one school day by a confirmatory letter.

A Guide To Procedure For Permanent Exclusions

In drawing up the procedure below, the School has had due regard to DfE guidance Behaviour and Discipline in Schools: guidance for headteachers and staff, which provides a helpful benchmark of good practice.



The procedure which will normally be followed is set out below but does not have contractual effect. All procedures will be conducted fairly and in a way that is appropriate to the circumstances.

The rules are concerned with the manner in which a decision is taken. The over-arching principle is a duty to act fairly. Whilst the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:

- A fair and thorough investigation should take place
- Students must be informed of the allegation and the evidence relied upon
- Students must be given a fair opportunity to exculpate themselves
- An appeal of the Executive Directors decision should be offered.

The Procedure

It is very important to follow the correct procedures so that a fair decision-making process is followed from the outset.

First Steps

When a potential exclusion presents itself, some key considerations are as follows:

- What exactly is the allegation?

Clarity at this stage is essential, not least because the student must be informed of the case against them. For example, if the allegation is that student A supplied drugs to student B, student

A should be told all the elements of this (i.e. the identity of the other student, what was allegedly supplied, when and where) and asked to explain what happened.

- What information is available and what further information is required?
- Is anyone at risk i.e. do the police or social services need to be informed?
- Who should be dealing with this?

Where possible, a different person should conduct each of the following stages: o interviews with witnesses and general investigation of the allegations;

- the hearing; and
- the appeal.



The Executive Directors should avoid taking part in the investigation if at all possible, so as to avoid arguably compromising her impartiality at the actual hearing. It is important to decide from the outset who will be doing what.

Investigation

The Executive Directors will ensure that a fair and thorough investigation will be held into the allegations against an individual student (there may be occasions on which the student will be asked to remain offsite without prejudice pending an investigation – see below). The outcome of the investigation will be reported to the Executive Directors.

Particular care should be taken at this stage. Key issues are as follows:

- Information gathering

Before a decision to exclude can be fairly taken, it is essential to establish the facts. If exclusion is being considered then statements should be taken from all students and staff who were involved in or witnessed the incident. All written statements should be attributed, signed and dated by the student or witness should first be given the opportunity to read it. The statement should also be countersigned by the person who took the statement and the person who was present when the pupil signed it. The original statement should be kept on file.

- Should another adult be present?

Yes. Where a member of staff investigating the matter deems it necessary to interview student they will be accompanied by an appropriate adult (which will usually be a member of staff).

However, this need not be a parent. A neutral adult such as another member of staff is preferable. The student will be informed of the allegation and the evidence relied on by the member of staff investigating the incident and will be given a chance to respond to these allegations and give their version of events.

- When should the parents be informed?

This will always depend on the facts of the particular case. As a general rule, however, it will normally make sense for the parents to be informed after initial investigations have been made but sufficiently in advance of any hearing to allow them time to prepare for that hearing.

However, parents will be informed, as soon as reasonably practicable and usually ahead of any investigation, if a complaint under investigation is of a nature that could result in the student being excluded. Similarly, in cases where Social Services or the Police become involved, parents will usually be informed as soon as possible.

- Should suspects be kept apart?



Yes, to the extent that this is reasonably possible. The student should be told not to discuss the matter with other students and, in particular, with the other pupils involved. This is particularly important where the accusation relates to issues such as bullying and physical or verbal abuse. The possible use of mobile phones should be borne in mind.

- When is suspension appropriate?

In particularly serious cases it may be appropriate for the pupil to be suspended and this will depend upon the circumstances of each individual case.

Disciplinary Hearing

Once the information gathering stage has been completed, the next step is to hold the hearing itself.

The student (where appropriate) and their parents will be invited to the disciplinary hearing with the Executive Directors and will be given the opportunity to state their side of the case. The Executive Directors will consider all the available evidence (including any statements made by or on behalf of students and staff involved) and take into account the School's Behaviour Policy [and Equal Opportunity Policy].

The circumstances should be checked to assess whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.

The hearing will also be attended by a note taker. Guidelines for conducting the hearing are held by the Executive Directors.

Sanction

Unless the Executive Directors consider that further investigation is needed, they will decide whether the complaint has been sufficiently proved. If they are satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, the Executive Directors will decide on the appropriate sanction.

If the complaint has been proved the Executive Directors will consider the range of disciplinary sanctions which they consider are open to them. They should also consider any factors they deem to be relevant when determining the sanctions including the pupil's disciplinary record. Then, or at some later time, the Executive Directors will give their decision, with reasons.

In considering the appropriate sanction, the Executive Directors will look at each case on its own merits. In considering whether permanent exclusion is the most appropriate sanction, the Executive Directors will consider:

The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour Policy and school rules, and



The effect that the student remaining in the School would have on the education and welfare of other students and staff.

The Executive Directors may, as an alternative for less serious breaches of school discipline, temporarily suspend a pupil from the School.

All sanctions will be proportionate and reasonable and will take account the student's age, any SEN the pupil may have and any religious requirements affecting them.

If it is decided that a permanent exclusion is necessary, then an appeal will be offered to parents of the excluded student.

Appeal

Fundamental to the fairness of any exclusion process is the right to appeal. Parents or guardians may apply for a review of the decision to exclude a student permanently from the School in accordance with DfE guidance, 'Exclusion from maintained schools, academies and pupil referral units in England' September 2017.

The governing board is required to consider reinstatement within 15 days of receiving notice of the exclusion, if the exclusion is permanent. The governing board has a duty to consider parents' representations about an exclusion.

If the exclusion is temporary, but will take the student's total days of exclusion above five for the term, a review meeting can may be requested by parents or guardians to review the exclusion.

Parents or guardians should contact the School to request the governing board convene a meeting to consider reinstatement. Parents should request a hearing within 15 days of receiving notice of the exclusion.

The Aftermath

The decision to exclude is always a serious matter for both the student and the School. Having followed a fair procedure, the School should do all it reasonably can to minimise the educational damage to the excluded student.

After-care

The consequences of a decision to exclude can be far-reaching, both in terms of the immediate issue of placing the pupil in another school but also in light of the perceived blemish to a pupil's good character. The potential for emotional and psychological side-effects should obviously be borne in mind and can be mitigated not only by the human way in which the process is managed, but also by the School's care for the pupil both during and after the process.



Finding A New School

This is an important issue especially if the pupil is in the process of studying for GCSEs or A-levels. To minimise disruption, the School should consider whether an exclusion decision can be made but on a deferred basis so that the parents have sufficient time to make suitable alternative arrangements. Consideration could be given for the student to return to school solely for the purpose of sitting imminent public exams. Depending on the reason for exclusion this may not be possible in many situations.

References

As in the employment context there is no absolute obligation on schools to provide references for their pupils and, where an exclusion is involved, even greater care is required. In giving references schools will owe legal duties both to the student and also the recipient.

Any reference must therefore be fair, accurate and not misleading.

Other points for consideration:

Confidentiality

Exclusion cases should be treated by all parties in the strictest confidence. However, confidentiality cannot and should not be guaranteed to any witness or party whose evidence may be considered as part of the School's investigations under this Procedure.

As such, the School should avoid giving any assurances in relation to confidentiality.

This is something that should be clarified from the outset and reiterated at intervals throughout the process.

Police

The School will report to the police anything they believe may amount to a criminal activity. An element of discretion is inevitably involved however. Drugs and weapons are more serious and should be confiscated and held for the police as potential evidence.

If the School believes a student may have taken drugs then medical advice should also be sought. Sexual offences are perhaps even more serious and will generally be reported to the police immediately, including in cases where a student is only suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available.



The alleged victim's parents should also be informed immediately of the incident and told that the police have been informed. Whether the victim and parents then speak to the police is a matter for them.

Children's Social Care

The School will consider whether a child's behaviour gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the School's Safeguarding Policy.

The School will also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs and whether a referral to Children's Social Care is appropriate.

Equal Opportunities

The School will not discriminate against any student on the grounds of any of the protected characteristics under the Equality Act 2010. The Act 2010 defines these, for the purposes of the schools provision, as race, gender, sexual orientation, disability, religion or belief, sexual orientation, gender reassignment, pregnancy, maternity.

The School will make reasonable adjustments to help manage a student's behaviour which results from the student having a disability.

Contact Running Deer

Running Deer CIC, Butterdon Wood, Moretonhampstead, Exeter TQ13 8PY

Telephone: 01647 400201 | Email: info@runningdeer.org.uk

Website: <https://www.runningdeer.org.uk>