



## Alleyne's School Policies & Procedures

### Fixed Period and Permanent Exclusion Policy

Name of Policy	Fixed Period and Permanent Exclusion Policy
ISSR	Part 3: Welfare, Health and Safety of Pupils and other legislation
Reviewed by	Alleyne's Governing Board
Author/SLT	Mrs JT Lunnon, Head
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## A. INTRODUCTORY CONTEXT FOR PARENTS

### 1. INTRODUCTION

- 1.1 The Alleyne's Governing Board is responsible for setting the School's policy on the exclusion of pupils.
- 1.2 This policy applies to the whole School, Junior and Senior School. References to the Head in this policy, relate to the Head of the Senior School, unless otherwise stated.
- 1.3 Whilst, the Head and Senior Management **are required to follow the procedures (detailed below in Section B) for fixed period or permanent exclusions**, failure to strictly observe these exclusion procedures will not entitle the parent or pupil to any remedy or form the basis of any claim against the school, if in substance the pupil has been dealt with in a fair manner which conforms generally to the rules of natural justice.
- 1.4 Throughout the guidance, the expression "parents" is used for those having parental responsibility for the child.

## 2. EQUAL OPPORTUNITIES

- 2.1 This Exclusion Policy will be operated in accordance with the Alleyn's Equal Opportunities Policy.

## 3. REASONS FOR EXCLUSION

- 3.1 A pupil may be excluded from school (by being sent home or by being held in school, for an extended period on a Friday evening or a Saturday or by having her/his return to school prevented) for either:

- a) a fixed period of time ("**fixed period exclusion**") (see Section B2); or
- b) permanently - whereby the pupil will not be permitted to return to school ("**permanent exclusion**") (see Section B3).

- 3.2 A decision to exclude a child for a fixed period or permanently should be taken only:

- a) where there has been a serious breach, or serious breaches, of the school's discipline policies and/or any related policies such as : the Pupil Code of Conduct and Expectations for Learning Policy, Information Technology and E-Safety Policy , Anti-bullying and Harmful Peer Relations (child on child abuse) policy and Drugs & Harmful Substances Policy ; Safeguarding & Child Protection Policy or
- b) where there has been a build-up of incidents over time, which, in the professional judgement of the Head, constitutes a concerted flouting of the school's rules and regulations. Whilst generally exclusion is not an appropriate sanction for minor incidents, in such cases of repeated breach, a fixed period exclusion may be given, and any subsequent material failure to abide by the school's rules and regulations could give rise to permanent exclusion; or
- c) if allowing the pupil to remain in school will seriously harm the education or welfare of other pupils in the school or the welfare of staff; or
- d) where there have been allegations of a serious nature concerning incidents occurring out of school and
- e) If a criminal offence is suspected, the police will be contacted immediately and in cases where a pupil is suspected of abuse of another pupil, Children's Services will be contacted immediately. In such cases, the School will not investigate until the police and/or Children's Services have agreed that the School may do so. In such cases the school may exclude a pupil until investigations by external agencies are concluded.

**N.B:** The following cases do not fall within the Exclusions Policy:-

- i) where the Head gives contractual notice in accordance with the School's terms and conditions (parent contract).
- ii) where parents are in breach of contract for non-payment of fees, or due to unacceptable behaviour on their part.

Such cases will lead to a required withdrawal of the pupil and are determined in accordance with the parent contract. These cases are discussed at Part C below.

3.3 Immediate action may need to be taken to protect pupils and staff and a pupil may be permanently excluded for a first offence, particularly if it involves violence or another criminal offence. Following any essential immediate action all due procedures must be observed (see Section B).

3.4 Further guidance on exclusions for particular reasons is set out below:

**a) Drug and alcohol related exclusion**

- Drug related incidents present complex problems for schools. The possession, supply, or taking of drugs may involve a criminal offence; effective liaison with the police will help in the appropriate handling of such incidents.
- The school has a specific Drugs and Harmful Substances policy which sets out the School's approach to the management of drug related cases. In some cases, permanent exclusion may be the appropriate course but, on some occasions, fixed period exclusion may be more appropriate given the circumstances of the case. Any such fixed period exclusion will be accompanied by a requirement to comply with subsequent random drugs testing at the pupil's/parents' expense.
- Key factors in relation to the misuse of illegal substances, which might lead to a permanent exclusion will be any decision to bring illegal substances on site, to use them on site and/or to share them with other pupils.
- Misuse of alcohol or behaviour either in or out of school when under the influence of drink which could bring the school into disrepute, could lead to either fixed term or permanent exclusion.

**b) Offensive weapons**

It is a criminal offence to carry an offensive weapon in or around a school's premises and in the majority of cases permanent exclusion will be the most appropriate course. In situations where a weapon is authorised on school premises, for example, for use in a CCF, clear safety procedures must be followed.

c) **Harmful peer relations (child on child abuse) or sexual harassment or abuse**

Evidence that pupils have been involved in harmful peer on peer relations or sexual harassment or abuse may well lead to fixed term or permanent exclusion;  
or

d) **Behaviour outside of school**

Any behaviour of a serious nature which occurs outside of school, which brings the school reputation into disrepute or which places the pupil or others at risk or which constitutes a flagrant breach of the rules of the school could lead to exclusion

e) **Repeated instances**

Should behaviour which warranted a fixed term exclusion, be repeated, that is likely to lead to a permanent exclusion.

## **B. PROCEDURE FOR EXCLUSION CASES**

### **1. INVESTIGATION**

1.1 The Senior Deputy Head, the Head of the Junior School for Junior School issues, or another Senior colleague appointed by the Head, will conduct a full investigation into the circumstances leading up to the proposed exclusion and will:

- a) speak to other members of staff and/or pupils where relevant;
- b) co-operate with a police investigation if it is suspected that a criminal offence has been committed; and
- c) interview the pupil,
  - in the presence of another member of staff; and
  - in the presence of the pupil's parents, if they wish (with the agreement of the pupil if he or she is over the age of 18).

1.2 Detailed written records of all stages of the investigation must be taken and retained by the member of staff conducting the investigation. (In cases where the issue relates to highly confidential disclosures, these records are likely to have been made and retained on the confidential CPOMs platform.)

1.3 Following a report from the member of staff conducting the investigation and full review of the issue, the Head will then decide on the appropriate sanction.

## 2. FIXED PERIOD EXCLUSIONS

- 2.1 The Head may, after conducting an investigation, exclude a pupil for up to an initial period of 5 school days (but see para 2.4 below) but must:
- a) ensure that the parents have received notice of the exclusion, if possible by telephone or in person by the Senior Deputy Head, or the Head of the Junior School as the case may be, before it takes effect;
  - b) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues, or that clear arrangements are in place in the exceptional circumstance that a pupil's exclusion is conducted within school premises;
  - c) write to the parents with details including:
    - the length of the exclusion;
    - the reason for it;
    - the likely consequences of any further misconduct (including permanent exclusion); and
    - the procedure for managing the return to school.
  - d) inform the Chair of the Governing Board.
- 2.2 When exclusions exceed one school day, work should be set to be undertaken at home and followed up on the pupil's return to school. For the avoidance of doubt, an exclusion for part of a day will count as one day of exclusion.
- 2.3 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.
- 2.4 The Head may, in exceptional circumstances and following consultation with the Chair of the Governing Board, exclude a pupil for a longer period, up to a maximum of 10 school days.
- 2.5 Where a pupil is excluded for a fixed period, any complaint by the pupil's parents should be made under Alleyn's Complaints Procedure, rather than the Exclusions Appeal Procedure.

## 3. PERMANENT EXCLUSIONS

- 3.1 Where it is considered that the permanent exclusion of a pupil may be warranted in the circumstances, the appointed Senior colleague will have conducted an investigation in accordance with Section B1. (In most cases, it will be appropriate to exclude the pupil for a period not exceeding 10 school days whilst the investigation is conducted.)
- 3.2 Where the Head is to exclude/has excluded a pupil under Section B3.1, the Head must:

- a) Inform the Chair of the Governing Board prior to the exclusion taking effect;
  - b) ensure that the pupil's parents have been notified of the exclusion, if possible by telephone or in person, before it takes effect;
  - c) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues;
  - d) write to the pupil's parents stating that the pupil has been excluded pending investigation.
- 3.3 If the Head considers that the investigation cannot be completed within the period of the initial exclusion, she may extend the exclusion by no more than a further period of 10 school days. The Head must repeat the steps detailed in Section B3.1 including a further notification to parents as set out in Section B3.2(b).
- 3.4 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.
- 3.5 Appropriate work should be given from the outset. In particular, any pupil coming up to examinations should be provided with clear direction or an appropriate programme of study, including the marking of work, where appropriate. Where possible, remote learning access should be provided. Details of work set or relevant study guidance should be included in the record of the exclusion process and made available to the Appeal Panel if an appeal is lodged against permanent exclusion.
- 3.6 After completion of the investigation the Head will:
- a) discuss her conclusions and recommendation with the Chair of the Governing Board; and
  - b) meet with the pupil's parents to discuss the outcome of the investigation.
- 3.7 After meeting the pupil's parents the Head will send a confidential written report and recommendation to the Chair of the Governing Board.
- 3.8 The Head's recommendation will be either to:
- a) allow the pupil to return to school immediately if, following investigation, the pupil is deemed not to have behaved inappropriately;
  - b) allow the pupil to return to school immediately with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately;
  - c) allow the pupil to return to school on a specified date (where possible, this should not be more than 15 school days after the start of the fixed period exclusion), with a written

warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion (see 2.1); or

- d) exclude the pupil from school permanently if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants permanent exclusion.

### 3.9 Following the decision:

- a) Following the Head's decision, the Head will:
  - inform the parents immediately, by telephone or in person if possible, of the result of the investigation and of the decision;
  - confirm the decision in writing to the parents; and
  - offer the opportunity to discuss the outcome, either on the telephone or in person.
- b) If the decision is that the pupil should be excluded permanently, the Head will also:
  - explain the Appeals Procedure in writing to the parents
  - assist the parents in the search for an alternative school wherever possible; and
  - notify the Local Authority of the date on which the pupil is removed from the school roll if no alternative arrangements have been made for the pupil's education and s/he is below the statutory school leaving age (the pupil should not be removed from the school roll until the appeal process has been concluded or the time limit for the appeal has expired or the parents have confirmed that they will not appeal).
- c) Where the pupil is to return to school, the Head of Section/Head of Junior School must consider appropriate reintegration and monitoring measures. These must be discussed with the parents and pupil and confirmed in writing. It is vital that any proposed support and/or follow-up actions are conducted and their effect monitored by relevant staff. In situations where another pupil or member of staff have suffered as a result of the excluded pupil's actions, the Head of Section/Head of Junior School should also ensure that there are suitable support mechanisms in place to assist them in dealing with the pupil's reintegration.

## 4. THE APPEAL PROCEDURE

### 4.1 Right of appeal

- a) Parents, or the pupil if s/he is over the age of 18, who wish to appeal against a decision permanently to exclude a pupil must lodge their appeal, in writing, clearly setting out

the grounds on which they wish to appeal, to the Chair of Governors, (clerk@alleyns.org.uk) within **14 days** of the date of the Head's written confirmation of that decision. If parents do not appeal within 14 days, there shall be no later right of appeal unless, in the opinion of the Chair of Governors, exceptional circumstances exist which justify the delay.

- b) Where two or more pupils are alleged to have been involved in the same incident or linked incidents and these pupils have been permanently excluded as a consequence of the incidents(s), each case should, in the interests of fairness, be heard by the same Panel.

#### **4.2 Prior to the hearing**

- a) On receipt of the notice of appeal from the parents, the Chair will confirm receipt and immediately inform the Deputy Chair of Governors and the Head that such a notice has been received.
- b) The Chair of Governors will convene an Appeal Panel and will appoint a Chair for the Panel, who is likely to be a member of the Governing body. The panel will consist of 3 persons, two of whom are likely to be current Governors and one who will be an independent member.
- c) A hearing will be scheduled to take place as soon as is practicable and normally within **15 school days** of receipt of the parents' notice of appeal. Efforts will be made to hold the hearing at premises near the school.
- d) Where the parents' notice of appeal is received immediately prior to, or during a school holiday, the Chair of the Panel will progress matters as swiftly as is reasonably practicable and will notify parents of any delay.
- e) The Chair of the Panel will write to the parents to ask them (or the pupil) to provide, not less than 10 days before the hearing, any written statements and supporting documentation on which they wish to rely to the clerk of the Panel, for inclusion in a combined bundle of documents for use at the hearing.
- f) The Head is required to provide a statement to be included in the combined bundle of documents, which should cover the following areas:
  - the pupil's age and school year;
  - a summary of the pupil's academic and behaviour record where relevant;
  - all steps taken by the school in relation to any previous disciplinary incidents;
  - a full account of the incident(s) leading to permanent exclusion; and
  - the details of work set or relevant study guidance given during the exclusion period.
- g) All concerned, should have the same set of documents before them for the hearing. The clerk of the Panel will, at least 5 days prior to the hearing, circulate a copy of the



combined bundle of documents to the parents, Head and the Panel. Only in exceptional circumstances will documents be allowed to be submitted for the hearing after this time (see also Section B4.3(f)).

- h) The Chair of the Panel, or the clerk, will normally write to the parents before the hearing, having considered the nature of the appeal and the documentary material, to outline the procedure for the hearing. Should the parents have any questions concerning the panel's procedure, they should address them to the clerk of the Panel in advance of the hearing.

#### 4.3 Conduct of the Hearing

- a) Prior to the hearing, decisions relating to procedure may be dealt with by the Chair of the Panel acting alone.
- b) The hearing is not a court of law and the conduct of the hearing shall be at the Panel's discretion which will be based on fairness and informality, but should not normally differ substantially from the procedure outlined in the Chair of the Panel's (or the clerk's) letter to the parents (see Section B4.2(h)).
- c) The Panel's role is to review the Head's decision, which will involve:
  - considering if it was fair and reasonable in all the circumstances, taking into account that the Head's decision was made on the balance of probabilities.
  - considering if permanent exclusion was a proportionate sanction; and
  - deciding if reinstatement of the pupil would be possible (if sought), taking into account the impact of such re-instatement on other members of the school community (both staff and pupils).
- d) In forming its views, the Panel must ensure that each party is given equal opportunity to put its case fully, and that it gives sufficient consideration both to the procedures followed and reasoning employed by the school, and to the pupil's explanation of her/his behaviour. It must take a fair and impartial view, and ask as many questions as necessary to elicit all relevant information to enable it to form a balanced view.
- e) The Panel may refuse to consider matters of which written notice has not been given if they consider that so doing would be prejudicial to a fair and effective consideration of the Appeal.
- f) Additional material may not generally be submitted at the hearing unless the Panel considers that the absence of such material would prejudice either party's case (see Section B4.2(g)). In no circumstances may the school introduce new grounds for the exclusion at this stage.
- g) All documents are to be treated by all concerned as confidential.
- h) The parents may be accompanied to the hearing by one other person. The pupil may also be accompanied if he/she wishes. The accompanying person(s) may be a relative or a friend. It is not appropriate for the parents to have a legal representative at the

hearing. The Head will be accompanied by a member of her Senior Leadership Team, typically, the Senior colleague who conducted the initial investigation under B(1.1). In the case of Junior School pupils, it will not usually be appropriate for them to be present during the hearing, due to their age. It is left to the discretion of the Chair of the Panel to make a decision around a pupil's attendance for all or part of the hearing.

- i)
- j) Either party may request that witnesses be present to present their evidence or point of view and this will be agreed by the Chair of the Panel. The Panel does not however have the power to compel the attendance of any witness to the hearing and it may be more appropriate for witness evidence to be put forward in the form of a witness statement.
- k) The clerk to the Governing Board will act as a clerk to provide advice on the exclusion process and handle administrative arrangements and will take a note of the proceedings.

#### **4.4 The Order of the Hearing**

- a) The order of the hearing shall be as follows (unless otherwise agreed in advance with the parties concerned):
  - i. The parents (and/or the pupil if s/he is over 18, or if all parties agree that this is appropriate) will put their case.
  - ii. The Head will put her case, summarising the grounds for exclusion.
  - iii. The Head and her senior colleague, will then be asked to withdraw from the hearing in order that the parents (and the pupil if s/he is over 18) may speak to the Panel privately if they wish to do so.
  - iv. The Head and her senior colleague will then be asked to rejoin the hearing and, if the parents and the pupil wish the Panel to take any matters raised privately into consideration in reaching its decision, such matters will be put to the Head and her senior colleague by the Chair of the Panel in the presence of the parents and the pupil. The Head and her senior colleague will be invited to comment but may request a brief adjournment to consider their response, if the Panel considers this to be appropriate.
  - v. The Head and her senior colleague will be asked if they wish to say anything in conclusion.
  - vi. The parents (and the pupil if s/he is over 18) will be asked if they wish to say anything in conclusion.
  - vii. The parents and pupil, the Head and her senior colleague will withdraw and the Panel will consider the evidence.

**N.B.** The respective parties and the Panel will be able to ask questions through the Chair

of the Panel after any of the above, but particularly after B4.4(a)(i)-(iv).

#### 4.5 The Panel's decision

- a) After due consideration of all the relevant facts, the Panel will reach a decision.
- b) In reaching its decision, the Panel should take into account the broader interests of the other pupils and staff at the school as well as those of the excluded pupil. It will make its decision in private and this will normally be either:
  - to uphold the Head's decision; or
  - to refer the matter back to the Head for further consideration of matters that have been canvassed during the Appeal; or
  - to allow the Appeal and the pupil's re-instatement where practical; or
  - in circumstances where it is not practical to re-instate the pupil, to allow the Appeal and make a statement to the effect that reinstatement would have been appropriate but for the specific circumstances of the case.
- c) Every effort will be made to ensure that all parties are notified of the Panel's decision, in writing, accompanied by an explanation, no later than the end of the third school day after the hearing or no later than the end of the third working day, if the hearing occurs outside the school term. If there are clear reasons why this timing may not be achievable, all parties will be notified of this after the appeal.
- d) In the case of an appeal being allowed, the Panel should ensure that the date of the pupil's return to school is agreed with the Head (prior to notification of the date to the parent/pupil) in order to ensure that the Head has sufficient time to arrange for the pupil's reintegration.
- e) Parents can be assured that correspondence, statements and records relating to the appeal will be kept confidential except where disclosure is required in the course of the school's inspection by the relevant regulatory authorities or where any other legal obligation prevails.

## C. CASES NOT COVERED BY APPEAL

These cases do not fall within the Exclusions Policy and are determined in accordance with the school's terms and conditions (as detailed in the parent contract).

### 1. CONTRACTUAL NOTICE

*This applies where in the opinion of the Head, the pupil will not benefit from continuing their education at the school, or where in the Head's professional opinion the pupil has not attained a sufficiently high standard of work or behaviour to continue.*

- 1.1 The school will ensure that it has a clear set of procedures in place, known to all relevant staff and communicated in an appropriate form to parents, which enable them, where a pupil is failing to achieve a satisfactory standard of work or behaviour, to:

- keep parents fully informed;
- identify pupil difficulties;
- provide support as appropriate;
- where appropriate, arrange individual Home/School Agreements setting out previously identified goals and time related targets; and
- allow a reasonable time scale for monitoring of progress.

- 1.2 Where, in the Head's opinion, having gone through the above, the pupil should be required to withdraw from the school, the pupil's parents should have at least a term to make alternative arrangements.

- 1.3 In all cases, documentation should be clear and readily available.

### 2. BREACHES OF CONTRACT

#### 2.1 In cases of non-payment of fees:

- The School will make every effort to assist parents who experience sudden financial hardship; due to limited resources this is, however, not always possible. If a pupil is required to withdraw from school for non-payment of fees, the school is under no obligation to provide her/him with work to enable her/him to pursue her/his studies at home.
- The Head may require a pupil to withdraw from school at any time if the fees have not been paid by the due date. The pupil's parents will receive not less than one week's notice of the intended withdrawal.
- If payment in full has not been received nor an appropriate repayment arrangement been agreed within two weeks of the withdrawal taking effect, during which time the Pupil may not return to the school, the Head may require the pupil to be permanently withdrawn from school. The pupil's parents will receive not less than two weeks' notice

of the intended permanent withdrawal and of the removal of the pupil's name from the school roll.

- In the case of a pupil below the statutory school leaving age, and if no alternative arrangements have been made for the pupil's education the Head will inform the pupil's home Local Authority of the date on which the pupil is removed from the school roll.

**2.2 In cases where the pupil's parents' behaviour is unacceptable:**

- If the behaviour of either or both a pupil's parents is, in the Head's opinion, unreasonable and is adversely affecting, or is likely adversely to affect, the pupil, other pupils, or staff at the school, or is bringing the school into disrepute, or the relationship of trust and confidence between the parents and the school has, in the Head's opinion, irreparably broken down, the Head may require a parent to withdraw the pupil without notice, either for a set period or permanently.
- In the event of such required withdrawal, parents will be permitted a reasonable opportunity (determined by the Head) to make written representations to the Head, and, if parents wish, to the Chair of Governors, before the length or permanence of the withdrawal is confirmed. The decision of the Head or Chair of Governors (if the latter is involved by parents) will be final.
- In cases of set period withdrawal, the school will wherever possible provide the pupil with work or study guidance to enable her/him to pursue her/his studies at home including, where appropriate, marking of work.
- Permanent withdrawal in such cases will only be appropriate in exceptional circumstances. The implications will be carefully considered with the Chair of Governors before any final decision is made.