

# THE ARTS EDUCATIONAL SCHOOLS, LONDON DAY SCHOOL AND SIXTH FORM

## EXCLUSION POLICY

### STATEMENT OF INTENT

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. Exclusion, where warranted, is a sanction that can promote good behaviour. This policy is created in accordance with the Behaviour, Rewards and Sanctions Policy and school practice, which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieving two important aims:

- The first is to ensure the safety and wellbeing of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed; and
- The second is to realise the aim of reducing the need to use exclusion as a sanction.

### Introduction

The decision to exclude a pupil will be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour, Rewards and Sanctions Policy; or
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher). 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 the school's Behaviour Policy:

- a) Harm with intent, for example, violent or threatening behaviour towards staff or other pupils;
- b) Racism, homophobia or other discriminatory behaviour;
- c) Persistent disruption, defiance or any other behaviour that compromises the safety and welfare of themselves or others;
- d) Verbal abuse directed at staff/pupils/others;
- e) Serious actual or threatened violence against another pupil or member of staff;
- f) Sexual abuse or assault;
- g) Possession of a firework;
- h) Possession/misuse of inappropriate substances, for example drugs or alcohol;
- i) Supplying an illegal drug;
- j) Being in possession of an offensive weapon;
- k) Misuse of the Internet;
- l) Arson;
- m) Theft;
- n) Damage to property;
- o) Abuse by one or more pupils against another pupil;

- p) A pupil making a malicious and unfounded accusation against a staff member; and
- q) Any other serious offence considered to be detrimental to the good order and safe running of the school.

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

Disruptive behaviour may be an indication of unmet needs, and the school should aim to identify any concerning behaviour and intervene at an early stage in order to avoid having to exclude the individual. The school should consider a multi-agency assessment and the involvement of Children's Social Services and parents/carers to support the pupil.

Permanent exclusion may be applied if the above behaviours described are persistent and all other reasonable steps have been taken to address the young person's behaviour and attitude. Permanent exclusion will also be used as a response to extreme acts of violence, supplying drugs, and persistent or significant incidences of defying criminal law; in such cases, the police will be contacted.

A register is kept by the Headteacher containing the details of any sanctions imposed upon a pupil for serious misbehaviour.

The school does not endorse or use corporal punishment; it is illegal in all circumstances.

### **Exclusion procedure**

- Most exclusions are of a fixed-term nature and are of short duration (usually between one and three days).
- The DFE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- The Headteacher will inform the Trustees of all permanent exclusions from the school and all fixed-term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.
- The Trustees have established arrangements to promptly review all permanent exclusions from the school and all fixed-term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.
- Following an exclusion, parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends.
- Parents/carers should be informed of their right to make an appeal to the Review Panel in the case of permanent exclusions from the school and all fixed-term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.
- The school will take responsible steps to ensure that work is set and marked during the first five school days of an exclusion.

- A reintegration meeting will be held following the expiry of a fixed-term exclusion of six days or more and this will involve a member of the Senior Leadership Team.
- It is school practice to place the pupil on report, usually for one week, to monitor behaviour and work. If the fixed-term exclusion is greater than five days or an accumulation of exclusions exceeds five days, a Pastoral Support Plan (PSP) will be considered. This needs to be agreed with the school, pupil and parents/carers.
- A fixed-term exclusion can often take the form of an 'internal' exclusion, with the pupil being excluded from lessons. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the pupil being required to remain at home.

During the course of a fixed-term exclusion where the pupil is to be at home, parents/carers are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/carers. In line with legislation, he/she is not allowed to be present in a public place during school hours without reasonable justification. Work will be set by the school for the period of exclusion.

### **Permanent exclusion**

The decision to exclude a pupil permanently is a serious one and should only be used as a last resort. Permanent exclusion decisions are only made by the Headteacher. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all the available strategies have been exhausted, and is used as a last resort. This would include persistent and defiant misbehaviour, including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies. In these cases, it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These circumstances might include:
  - Serious actual or threatened violence against another pupil or a member of staff;
  - Sexual abuse or assault;
  - Supplying an illegal drug;
  - Carrying an offensive weapon;\* and
  - Arson.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him".

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school. The school, in line with its protocols, will consider police involvement for any of the above offences.

3. Local authorities are required to arrange educational provision for excluded pupils of compulsory school age from all institutions from the sixth day of permanent exclusion. In the case that a child is permanently excluded and no forwarding address has been provided to the school, the Headteacher will contact the child's local authority.
4. The Headteacher must, without delay, notify the Trustees of a permanent exclusion.

## **Review Panel**

In the extremely rare event of a pupil being permanently excluded, parents have the right to ask the school to convene a Review Panel, regardless of whether or not they have appealed to the Trustees. Parents must make this request within 15 school days of receiving notification of the exclusion, and the panel should meet to review the case within 15 days of the notification. Parents have a right to require the panel to appoint a SEN expert to attend the review, regardless of whether the pupil has recognised special educational needs. The Headteacher will pass on all the information about the exclusion to the panel within three days of the notification from parents. The panel will consist of the Chair of Trustees, an independent person who has no connection to the Day School and Sixth Form, and the Principal. The parents may wish to be present at the review to make their representation to the Review Panel.

The Review Panel may make one of three decisions:

- To uphold the exclusion;
- To recommend that the school reconsiders its decision; or
- To quash the decision and direct that the school reconsiders the exclusion within 10 days.

The panel may only quash the decision if there is evidence that the decision was flawed when viewed in light of the principles related to the procedure, and which, if contravened, could lead to an application to hold a judicial review (i.e. the decision was illegal, irrational or there was procedural impropriety).

The panel will set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

## **Exclusion due to non-payment of school fees**

Please refer to the Parent Contract, which outlines the process of exclusion due to non-payment of school fees.

## **General factors the school considers before making a decision to exclude**

The decision to exclude a pupil must be lawful, reasonable and fair. Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- Ensure appropriate investigations have been carried out;
- Consider all the evidence available to support the allegations, taking into account the Pupil Behaviour, Equal Opportunity and Race Equality Policies;
- Allow the pupil to give her/his version of events;

- Check whether the incident may have been provoked, for example, by bullying or by racist/homophobic or other discriminatory remarks; and
- If the Headteacher is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of discretion**

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy; and b) the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff. Nonetheless, in the case of a pupil being found to have an offensive weapon in their possession, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Board of Trustees when it meets to consider the Headteacher's decision to exclude the pupil. The Trustees will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to their exclusion.

### **Alternatives to exclusion**

The school actively pursues a policy of using alternatives to both fixed-term and permanent exclusions in the following ways:

- As mentioned above, a fixed-term internal exclusion, dependent upon the circumstances, may be served in the school building. In such cases, the exclusion will not appear on the pupil's record.
- A pupil with a poor disciplinary record who may be close to a permanent exclusion will have a PSP put into place and the pupil will be monitored. Should the PSP be unsuccessful, then the pupil may be referred to the mentoring service and other types of one-to-one support.
- Should the PSP and/or other measures fail and a pupil be deemed very close to permanent exclusion, then he/she, subject to meetings with parents, may be referred to an alternative provision for a fixed period of time.

### **Behaviour outside of school**

Pupils' behaviour outside school, whether they are in school uniform or on school 'business' (for example, school trips and journeys away to school sports fixtures or work experience placements), is subject to the school's Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. For behaviour outside the school but not on school business, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. If pupils' behaviour in the immediate vicinity of the school or on a journey to or from school is poor and meets the school's criteria for exclusion, then the Headteacher may decide to exclude.

### Review of Exclusion Policy

Policy written:	September 2010
Policy written by:	Adrian Blake
Date policy reviewed by trustee:	December 2016
Next review date:	December 2017

Circulated to the Principal, Governing body, and teaching staff. This policy will be made available to parents and pupils on the website and on request.