

# EXCLUSION POLICY



There are two types of exclusions at the school, fixed term and permanent. Birchfield School has the right to exclude pupils on a fixed term or permanent basis, where necessary.

## **Fixed Term Exclusion**

Formerly known as suspension, Fixed Term Exclusion entails the exclusion of a pupil from the school for the shortest period of time commensurate with the seriousness of his or her conduct. The period of exclusion will not usually exceed three school days, but there may be circumstances where the exclusion could last for a longer period.

## **Permanent Exclusion**

Formerly known as expulsion, Permanent Exclusion entails the exclusion of the pupil from the school on a permanent basis. Permanent exclusion can thus result from an accumulation of offences for which permanent exclusion is appropriate or from a more serious single incident.

The School may also require parents or guardians to remove or may suspend or exclude permanently their son/daughter if the behaviour of either parent or guardian is unreasonable and/or affects or is likely to affect adversely their son's/daughter's or other pupils' progress at the School, or the well-being of the School, its staff and/or brings the School into disrepute.

## **Principles Governing Fixed Term and Permanent Exclusion**

Only the Headmistress may exclude a pupil for a fixed term or permanently. Both forms of exclusion are serious steps which are not taken lightly.

The school communicates to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct, chief amongst which is the Behaviour Policy (available on the school's website).

Depending upon the seriousness of the misconduct in question, a pupil may be excluded for a fixed term or permanently if it is proved on the balance of probabilities that:

- i. the pupil has committed a single, serious breach of discipline (for example, serious physical assault, sexual assault, racial or religious abuse or harassment);  
or
- ii. the pupil has breached discipline repeatedly over a period of time (for example, by sustained bullying, disruption to lessons, non-compliance) and other strategies and actions have not been effective (see Alternatives to Fixed Term and Permanent Exclusion, below).

Factors taken into account in arriving at a decision as to whether to exclude include but are not limited to:

- The pupil's previous record of behaviour

- The honesty of the pupil in admitting the offence
- The degree of remorse shown by the pupil/acceptance that he/she was in the wrong
- The extent to which the offence had an impact on other pupils
- Whether the incident had been provoked for example bullying, racial or sexual harassment

Birchfield School does not have an absolutely fixed set of penalties. There are no automatic sanctions for set offences. Each case will be considered individually.

The list of offences for which exclusion may be considered includes, but is not limited to:

- Physical assault against pupils or adults
- Verbal abuse/threatening behaviour against pupils or adults
- Persistent and defiant misbehaviour including physical, verbal, social and psychological bullying.
- Theft (including access to unauthorised material on computer)
- Smoking
- Consumption of alcohol
- Involvement with drugs
- Open disobedience to reasonable instructions from a member of staff
- Immoral behaviour (including access to immoral material on computer)
- Cheating in examinations
- Damage to or threatening to damage property (including damage to material held on computer)
- Interfering with any safety equipment (fire safety etc.)
- Malicious accusations against staff
- Carrying an offensive weapon. (This will require the School to inform the police because a criminal act may have taken place)
- Any other activity generally considered illegal in the adult world

The action of the pupil which can give rise to exclusion can occur on or off the School premises.

Where an offence constitutes a civil or criminal offence, then as a matter of course the Headmistress will consider reporting it to the appropriate authorities.

Where damage to property has occurred, parents will be asked to compensate the school or person whose property has been damaged.

### **Investigation**

Before deciding whether to initiate the process of excluding a pupil, either on a fixed term or permanent basis, the School will ensure that:

- a thorough, fair and unbiased investigation is carried out by the Assistant Head or other staff member, as appropriate;
- all the appropriate evidence has been taken into account;
- if written statements are used, they will be attributed, signed and dated by the individual who will first be given the chance to read it. The statement will be

countersigned by the person who took the statement and, if appropriate, by any accompanying adult present;

- it acts at all times with procedural fairness;
- provides an opportunity for the pupil and his or her parents to give an account and make representations;
- has regard to the interests of the pupil, his or her parents, other pupils and the school; and
- communicates in writing to the parents of the pupil her findings following the investigation and the reasons for any decisions taken.

### **Fixed Term Exclusion**

The Headmistress (after informing the Chair of the Governance Advisory Committee) will meet the parents / guardian of the pupil to explain the circumstances before issuing a fixed term exclusion. The parent / guardian of the pupil will be informed of:

- the reason for the exclusion
- the period of the exclusion
- that the pupil will be regarded as being in their care from when the period of the exclusion starts until such time as the period of exclusion expires

### **Reintegration Following Fixed Term Exclusion**

Following a fixed term exclusion, the parents of the pupil concerned will be invited to a reintegration meeting with the Assistant Head, usually on the first morning of the pupil's return to school. Support strategies will be discussed which will include a timetable of expected progress. Following the meeting, an updated Individual Behaviour Plan or Pastoral Care Plan will be implemented. It will be reviewed through regular meetings with the pupil's parents until, in the judgment of the Headmistress, it is no longer necessary or further measures are required.

### **Required Removal (Permanent Exclusion)**

Where the Headmistress is of the opinion that:

- the pupil has committed a breach or breaches of school rules or discipline for which removal is the appropriate sanction; or
- by reason of the pupil's conduct, behaviour or progress, he or she is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the school; or
- the parents have treated the school or members of its staff or any member of the school community unreasonably;

the Headmistress may require the parents of the pupil to remove him or her permanently from the school.

### **Principles Governing Required Removal**

Prior to requiring the removal of a pupil in any of the circumstances outlined above, the Headmistress shall:

- consult with the pupil and his or her parents;
- act at all times with procedural fairness;
- have regard to the interests of the pupil, his or her parents, other pupils and the school; and
- communicate in writing to the parents of the pupil her reasons for requiring them to remove the pupil.

The Headmistress may, at her sole discretion, permit the parents to withdraw the pupil as an alternative to required removal.

### **Alternatives to Fixed Term and Permanent Exclusion**

Where a pupil starts to exhibit a pattern of inappropriate behaviour which does not, of itself, merit fixed term or permanent exclusion, the School will seek to manage such behaviour by:

- first assessing its nature;
- establishing triggers and antecedents;
- designing and implementing programmes (including Individual Behaviour Plans or Pastoral Care Plans) which are intended to modify the behaviour by identifying objectives and strategies; managing the environment, class, group or activities which give rise to the inappropriate behaviour; teaching the child alternative, positive behaviour; identifying the consequences of continued inappropriate behaviour (e.g. time-out, reporting an appointed member of staff etc.); promoting self-evaluation to encourage the pupil to take responsibility for his or her own behaviour; and
- inviting the parents of the child to discuss his or her behaviour and the programmes designed to modify it, including the role which they are expected to play in such programmes.

### **Appeal**

Parents may make representations about the exclusion of their child to the Appeal Committee comprising three members, one of whom will be independent of the running of the School.

Any appeal must be lodged in writing, setting out the grounds of the appeal, within 7 working days of the decision to exclude having been communicated to the parent / guardian. The Headmistress will not be a member of the Committee.

In the event of a pupil losing the opportunity to take a public examination, the Appeal Committee will try to meet before the date of the examination, and if this is not practical, the Chairman of the Appeal Committee sitting alone will review the decision to exclude before that date.

The Appeal Committee will endeavour to hold the appeal within a reasonable time frame (normally 5 working days) of receiving the written details of the appeal from the parents / guardian.

If the Appeal Committee decides that a pupil should be reinstated, they will give the

appropriate direction to the Headmistress (who is under a duty to so comply) and inform the parents of their decision.

If the Appeal Committee or Chairman of the Appeal Committee sitting alone decide that a pupil should not be reinstated, they will inform the parent / guardian and the Headmistress of the decision. In the case of a permanent exclusion, the parent / guardian will be notified in writing of the decision and the reasons for it.

The Appeal Committee's decision or Chairman of the Appeal Committee where appropriate, is final and is the end of the appeal process.