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## Exclusions Policy

### Table of Contents

1	Policy Statement	2
2	Investigation Procedure	3
3	Disciplinary Meeting	4
4	Governor Review	6
5	Review and Development	7

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# 1 Policy Statement

The aim of this Policy is:

- to ensure procedural fairness and natural justice;
- to promote cooperation between Birkdale School and parents when it is necessary for a pupil to leave earlier than expected.

This Policy covers both temporary exclusion (suspension) and permanent exclusion (expulsion) from School and takes into consideration the guidance provided in the School's Behaviour, Rewards and Sanctions Policy. The School has determined that pupil exclusion is a sanction that may be used in exceptional circumstances. This is also outlined in the School's Terms and Conditions of Entry.

In the context of this policy, "parent" includes one or both of the parents, a legal guardian or education guardian.

Temporary Exclusion (Suspension) is for a fixed term and means that a pupil has been temporarily suspended from attending lessons and other school activities as normal. Temporary exclusion can be internal (where the pupil is supervised in school) or external (where the pupil is required to stay away from school).

Permanent Exclusion (Expulsion) means that a pupil has been required to leave the School by the Head.

Removal means that a pupil has been required to leave the School by the Head, but without the stigma of expulsion, and that their parents have agreed to this.

Withdrawn by parents means that the pupil's parents have agreed to remove their child from the School.

A non-exhaustive list of serious behaviour or what could merit exclusion includes:

- drug or alcohol abuse
- theft (including knowingly being in receipt of stolen property)
- bullying (including online bullying)
- physical assault against pupils or adults
- verbal abuse/threatening behaviour against pupils or adults
- severe insubordination or insulting behaviour or language towards a member of staff
- fighting
- sexual harassment/misconduct
- vandalism, damage to property and computer hacking
- truancy
- racist abuse
- possession or use of unauthorised firearms or other weapons
- persistent attitudes or disruptive behaviours which are inconsistent with the ethos of Birkdale School
- bring the School into disrepute

A pupil can be excluded for any of the above acts (temporarily or permanently):

- while on school grounds
- while coming to/from school
- during break periods (on/off site)
- during any school activity or trip

A pupil may be permanently excluded if:

- he/she has seriously breached the school's Behaviour, Rewards and Sanctions Policy
- he/she remaining at the school would seriously harm the education or welfare of the pupil or others in the school
- it is deemed to be in the best interests of the pupil or of the School as a whole.

Action can be taken following a single offence where that offence is deemed to be sufficiently serious. In most cases exclusion will not be the result of a first offence, although the Head may at his discretion permanently exclude any pupil for a first offence which is considered to warrant such a step.

In other instances, either exclusion or expulsion/removal may be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour.

A pupil may also be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains at Birkdale School.

A pupil may only be excluded (temporarily) from the school by the Head or a member of the Senior Management Team (or any member of staff with the express authorisation to deputise for them in their absence). A pupil may only be excluded (permanently) by the Head.

The policy applies to all pupils at Birkdale School (whether or not in the care of the school) including those in our Early Years and Foundation Stage (EYFS setting), but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

Birkdale School is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunities Policy.

## **2 Investigation Procedure**

### **2.1 Ethos**

An investigation will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school.

### **2.2 Complaints**

Investigation of a complaint or rumour about serious misconduct which could potentially lead to permanent or temporary exclusion, or removal will normally be co-ordinated by a member of the Senior Management Team.

The outcome of the investigation will be reported to the Head.

### **2.3 Suspension**

A pupil may be temporarily excluded from school while a complaint is being investigated.

#### **2.4 Search**

Please refer to the Behaviour, Rewards and Sanctions Policy for the school's policy on searching pupils and their possessions.

#### **2.5 Interview**

If a pupil is interviewed formally about a complaint it will take place with another adult present. Parents will be requested to accompany younger pupils or pupils who, because of a special educational need, staff judge insufficiently mature to understand the significance of the process. In all circumstances the following protocols will be observed:

- it will be explained that answers to questions will be written down.
- what has been alleged will be clearly explained (although confidentiality may not allow the accused to be told by whom).
- notes of the interview will be read through at the end and the pupil (or the parent accompanying them) and the witness will be asked to sign, date and time the notes.
- the next stages of the investigation will be explained.

A statement is then written setting out the points of complaint. The Head will decide whether or not to take the matter further.

### **3 Disciplinary Meeting**

#### **3.1 Ethos**

Any subsequent meeting will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school.

#### **3.2 Preparation**

The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head may include:

- a statement setting out the points of complaint against the pupil.
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- the Investigation Report from the member of the Senior Management Team.  
the pupil's school file and other relevant records.
- the relevant school policies and procedures.

#### **3.3 Attendance**

The pupil and their parents will be asked to attend the disciplinary meeting with the Head at which the member of the Senior Management Team who conducted the investigation will explain the circumstances of the complaint and the investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil and their parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

#### **3.4 Proceedings**

There are potentially three distinct stages of a disciplinary meeting:

##### **3.4.1 The Complaint(s)**

The Head will consider the complaint(s) and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, they will decide

whether the complaint has been sufficiently proven. The standard of proof shall be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Head will not normally refer to the pupil's disciplinary record at this stage.

### 3.4.2 The Sanction

If the complaint has been proven the Head will outline the range of disciplinary sanctions which they consider available and that this may include permanent exclusion from the School. They will take into account any further statement which the pupil and/or others present on their behalf wish to make. The pupil's behaviour record will be taken into account. Then, or at some later time within three working days, the Head will give their decision, with reasons.

### 3.4.3 Leaving status

If the Head decides that the pupil must leave the school, they will consult with a parent before deciding on the pupil's leaving status. This may be one of the following:

Status	Explanation
Permanently excluded	The Head has decided that the pupil must leave the school
Removed	The parent(s) cooperate with the school in the disciplinary process and agree to remove the pupil
Withdrawn by parents	The parent(s) have voluntarily given notice that the pupil will leave at any stage in the process covered by this policy prior to the point where the Head decides the pupil must leave the school

Additional points of leaving status to be decided include:

- The form of letter which will be written to the parents and the form of announcement in the school that the pupil has left.
- The form of reference which will be supplied for the pupil.
- The entry which will be made on the school record and the pupil's status as a leaver.
- Arrangements for transfer of any course and project work to the pupil, their parents or another school.
- Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
- Whether (if relevant) the school can offer assistance in finding an alternative placement for the pupil.
- Whether the pupil will be eligible for membership of the Old Birkdaliens Association and if so from what date.
- The conditions under which the pupil may re-enter school premises in the future.
- Financial aspects: payment of any outstanding fees and extras; the deposit will be returned or credited; refund of prepaid fees.

Delayed Effect: A decision to permanently exclude or remove a pupil will take effect three working days after the decision was first communicated to a parent. Until then, the pupil will remain temporarily excluded and away from school premises. If within three working days the parents have made a written application for a Review by the Chair of Governors, the pupil will remain temporarily excluded until the Review has taken place.

## **4 Governor Review**

### **4.1 Request for Review**

If a pupil or their parents are not satisfied with the Head's decision, they may make a written application to the Chair of Governors for a review. The application must be received by the Chair of Governors within three working days of the decision being notified to a parent.

### **4.2 Grounds for Review**

In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

### **4.3 Review Panel**

The Review will be undertaken by a panel of at least two members of the Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the panel.

### **4.4 Review Meeting**

A Review will not normally take place during school holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

#### **4.4.1 Attendance**

Those present at the Review meeting will normally be:

Members of the Review panel.

The Head and any relevant member of staff whom the Head, the pupil or their parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.

The pupil, together with their parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The Chair of Governors must be given seven working days' notice if the friend or relation is legally qualified.

A scribe to keep a written record of the main points of the meeting.

#### **4.4.2 Conduct of Meeting**

The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in a manner which is appropriate to a school. All statements made at the meeting will be unsworn. The proceedings will not be tape-recorded without the consent of both the Chair of the Review Panel and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the school. The scribe will be asked to keep a written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair of the Review Panel who will conduct it so as to ensure that all those present have a reasonable opportunity to ask questions and make appropriate comments. Everyone is expected to show courtesy, restraint and good

manners. The Chair of the Review Panel may at their discretion adjourn or terminate the meeting. If the meeting is terminated, the Head's original decision will stand.

Procedure: The Panel will consider each of the grounds for appeal raised by the pupil or their parents so far as relevant to:

- whether the facts of the case were sufficiently proven when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, 'the balance of probability' will apply; and
- whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or their parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Review Panel at the time and ask the scribe to note their dissatisfaction and the reasons for it.

Identification: If the Head considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chairman of the Review Panel may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chairman of the Review Panel at their discretion may direct that the person be identified, or not as the case may be.

Pupil's Character: Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

Leaving Status: If, having heard all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the Panel, with agreement of the Head, the pupil and their parents to discuss the pupil's leaving status with a view to reaching agreement, which might include the additional points listed in paragraph 3.4.3.

Decision: When the Chair of the Review Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively, the Chair of the Review Panel may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chair of the Review Panel by letter within three days of the meeting.

## **5 Review and Development**

### **5.1 Procedure**

This document, together with the effectiveness of its procedures, will be reviewed annually by the Policy Committee and Governing Body, and as events or legislation change requires.

### **5.2 Links with other Policies**

This policy should be read in conjunction with the following documents:

- Anti-Bullying Policy
- Behaviour, Rewards and Sanctions Policy
- Drugs Policy
- School Trips and Educational Visits Policy

- Contractual Terms and Conditions