



HEATHFIELD SCHOOL

Exclusion Policy (temporary and permanent)

Policy Area:	General
Relevant Statutory Regulations:	<p>The Education Act 2002, as amended by the Education Act 2011</p> <p>The School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012</p> <p>The Education and Inspections Act 2006</p> <p>Education Act 1996</p> <p>The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007</p> <p>NMS Part G, Promoting Positive Behaviour and Relationships, Standard 15 and 16</p> <p>ISSR Part 6</p>
Key Contact Personnel in School	
Nominated Member of Leadership Staff Responsible for the policy:	Headmistress
Version:	2023.02
Date updated:	8 August 2023
Date of next review:	01 September 2024

This policy will be reviewed at least annually, and/or following any concerns and/or updates to national and local guidance or procedures.

Introduction

Heathfield School (“the School”) aims to promote positive behaviour and relationships within its community.

Heathfield believes that children have the right to independence, choice and inclusion, and it works hard to provide opportunities for personal growth and emotional health and wellbeing for all pupils. However, rights also involve responsibilities, such as not harming other people’s rights. The School believes children unable to control their actions or unable to appreciate danger have a right to be protected; as do other children and adults.

The School aims to include, not exclude, and it approaches all challenging behaviour in a supportive and positive way. The School recognises that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go

through times of inappropriate behaviour, and the School and its staff strive to never “give up” easily on a child as they recognise that each person has a unique contribution to make to school life and they want to support them to achieve this. The School provides a range of provisions designed to support pupil’s emotional, behavioural and social needs which are adapted and tailored to specific pupil’s needs in consultation with parents. The School works to change behaviour, to encourage and strengthen self-esteem. Very few, if any, children are beyond ‘redemption’.

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the School. The physical and emotional health of the School’s children and staff is its primary concern, and it therefore accepts that in some rare situations, exclusion may be necessary, for example, if all other strategies have been exhausted and have failed to change unacceptable behaviour, or in instances of serious misconduct as outlined in the School’s Promoting Positive Behaviour Policy. Any decisions or processes will always be based on legal and/or professional advice and are within the absolute discretion of the Headmistress. Notwithstanding the procedures set out within this policy, some parents may prefer, after due consideration, voluntarily to withdraw their child rather than the School imposing sanctions.

This Policy should be read in conjunction with the Promoting Positive Behaviour Policy, Pupil Code of Conduct Policy, IT Acceptable Use Policy and the contract parents signed when their child started at Heathfield.

Policy

Temporary Exclusions – also known as Suspension – between one day and up to a maximum of 45 days in any school year, or 15 days in any one term. This sanction may be necessary if other forms of discipline and guidance have failed and may be applied on more than one occasion.

Instances of misdemeanours for which the School would consider a temporary exclusion might include:

- More than two instances of smoking (including vaping)
- Persistent and/or severe disruption to class
- Rudeness
- Repeated detentions
- Failure to comply with the School rules or codes of conduct (including any relevant policies) following a final warning

It may be necessary to ask a pupil not to attend School in order to carry out an investigation into serious misdemeanours or allegations. Work will be provided to ensure that learning is not affected.

A temporary exclusion will always be coupled with measures that will support pupil(s) to receive appropriate treatment and continue their studies under strict supervision. A reintegration meeting will be held by a member of the Senior Leadership Team (“SLT”) on the return of the pupil from a temporary exclusion. The purpose of the meeting is to discuss the reasons for exclusion, to discuss any adaptations which may have been made and to seek solutions which prevent further exclusions.

The School reserves the right to exclude a pupil from the boarding environment (either temporarily or permanently) or to apply exclusion in the form of internal exclusion from specific classes, activities or boarding areas.

Permanent Exclusion

Instances of serious misdemeanours for which the School would consider permanent exclusion might include:

- Unsupervised and/or excessive consumption of alcohol on the School site;
- Involvement with or use of or distribution of illegal substances;
- Discrimination on grounds of a protected characteristic;
- Theft;
- Malicious damage to property;
- Unreasonable or otherwise inappropriate parental behaviour;
- Violence towards another person;
- Sexual misconduct, including online;
- Carrying an offensive weapon;
- Repeated or persistent bullying;
- Aggression or threat to a member of staff;
- Serious instances that bring the School into disrepute;
- Serious breaches of the School's IT Acceptable Use policy;
- Child on child abuse;
- Sexual Harassment or Violence.

If a situation arises in which the risk of serious disruption, influence or damage to the School's reputation and/or community becomes imminent, then action will be taken to protect and support the majority rather than the individual. Only in circumstances where we are forced to make this choice would the School move to exclude a pupil permanently from the School.

The School will not automatically exclude a pupil for experimenting with illegal drugs or legal highs, although this could well be the outcome. The circumstances of the particular case will be considered before a decision is made. This principle also applies to any other dangerous substances (including alcohol) whereby pupil(s) risk harming themselves or others.

Investigation in all cases

A fair and thorough investigation will be undertaken into the allegations made against an individual pupil.

The investigation will normally be carried out by the pupil's Head of Year ('HOY') or a member of the SLT, other than the Headmistress, as is most appropriate, together with, where appropriate and possible, a neutral member of staff e.g. a school nurse, another HOY or the Chaplain. The investigation will be carried out in a timely manner within 10 working days of the complaint.

The pupil will be informed of the allegation and the evidence relied upon by the investigating officer in an interview and they will be given the chance to respond to these allegations.

The purpose of the investigation will be to establish the facts, and statements will be taken as appropriate from pupils and staff involved in the incident or who witnessed the incident. Statements will be signed, or with the pupil's permission by the member of staff deputising for them, by the witness(es) and dated. The statement should also be countersigned by the investigating officer.

Sanction Meeting

The sanction meeting will be conducted by the Headmistress, or with her permission the member of staff deputising for her. While we encourage all meetings to be in person by default, parents/carers can request that a meeting be held via the use of remote access (e.g. live video link). Parents/carers will be made aware of their right to make a request for a remote meeting when notifying them of the meeting. The sanctions meeting will usually follow this format:

- An explanation of how the meeting will be conducted, and the role of those present.
- A description of the offence and the disciplinary sanctions that could be imposed.
- A summary of the evidence which will include an account of the version of events given by the pupil.
- An opportunity for the pupil to be heard and to ask questions about the disciplinary hearing.
- An opportunity for the pupil to address the Headmistress, or the member of staff deputising for her, on the issue of the sanction to be imposed.

The Headmistress, or member of staff deputising for her, may adjourn the meeting for a short period before notifying the pupil and parents/guardian of the decision.

Where the nature of the offence and the results of the investigation indicates that permanent exclusion is possible, no sanction meeting will be held. Instead, a hearing for permanent exclusion will be held.

Informing Parents following a sanction meeting

Parents / guardians will be informed immediately, where possible. In other cases, parents will be informed as soon as reasonably possible, for example, where there is a significant time difference.

A follow up letter to all those with parental responsibility will be sent to outline the reasons for suspension and the details of the sanction imposed.

External Bodies in all cases

The Police, social services or other appropriate external bodies will be involved if appropriate or required.

Procedure for Permanent Exclusion Hearing

Parents will be notified of a hearing in reasonable time. In some instances, a pupil may be temporarily excluded dependent on the alleged offence for a period of time before the hearing. The hearing will be chaired by a senior member of the SLT, and usually the Headmistress. While we encourage all meetings to be in person by default, parents/carers can request that a meeting be held via the use of remote access (e.g. live video link). Parents/carers will be made aware of their right to make a request for a remote meeting when notifying them of the meeting.

Parents will be given copies of all evidence and will be asked for any written submissions from parents and/or the pupil to be provided for circulation within a reasonable timeframe, typically 3 working days before the hearing. This will be undertaken with MASH guidance where appropriate.

The Headmistress will be accompanied by another member of the School staff who has not previously been involved in the matter. That member of staff will act as the minute taker.

The pupil will be encouraged to attend the hearing.

The pupil's parents may be accompanied at the hearing by a supporter as long as this person is identified in advance of the hearing. This will not be a legal representative and the supporter will not be able to make representations. It is acceptable to use the services of a translator where required.

Witnesses may be asked to attend but other pupils will only be in attendance if necessary and with their respective parents' consent.

The hearing will not be recorded but all the minutes will be retained on file. This will include the names and roles of all those present, all written documents considered, the oral evidence given and the decision reached, including the reasons stated.

At the hearing, the Headmistress will set out how the hearing will be conducted and the role of those present. The School, normally the investigating officer, will present its case and read aloud any witness statements.

Parents and/or the pupil will be able to ask questions and then present their case. The Headmistress will have the opportunity to ask any further questions to ensure all the facts have been established as clearly as possible.

The hearing will be adjourned to allow the Headmistress to consider her decision; parents will be informed as to the timing of the decision and how it will be communicated. The decision will be confirmed in writing if previously given verbally. The written notification will normally be sent within one working day of the hearing and will state the following: the decision in relation to each disciplinary offence, the sanction, when it takes effect, the reasons for the decision, and to whom the parents may appeal and the deadline for doing so.

Governors' Review of decision to permanently exclude

Parents have the right to appeal against the decision made by the Headmistress by lodging an appeal in writing to the Chair of Governors within five working days of receipt of the written notification to exclude their child.

The purpose of such a review is to consider the grounds of appeal raised by the parents, so far as these are relevant to whether the pupil committed the disciplinary offence in question and whether permanent exclusion is a reasonable response.

The Chair of Governors will arrange for the review to be undertaken by two members of the Governing Body. The review will take place as soon as practicable and normally within two weeks of the request for an appeal being received.

New evidence may be presented by either the School or the pupil/ parents as long as it is relevant to the issues covered directly in the original hearing and is circulated well in advance to all parties.

The result of the review will be confirmed in writing to the parents (normally within three working days) and will be final.

If parents request a Governors' Review, the pupil will be temporarily excluded from the School until the decision to permanently exclude or remove has been set aside or confirmed. While temporarily excluded, the pupil will remain away from the School and will have no right to enter the School premises during that time without prior written permission from the Headmistress.

Confidentiality

Cases of exclusion (whether temporary or permanent) should be treated by all parties in the strictest confidence. However, confidentiality cannot, and therefore should not, be guaranteed to any witness or party whose evidence may be relied upon.

Safeguarding

An exclusion (whether temporary or permanent) will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply with a request from the School, for example, refusing to collect the pupil, the pupil's welfare is the priority. In this situation, depending on the reason

for exclusion, the School may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the pupil is collected from the School, or, in more severe circumstances the School may contact social services and/or the Police to safely take the pupil off site.

Pupils with special educational needs and disabled pupils

The School must take account of any special educational needs when considering whether or not to exclude a pupil. The School has a legal duty under the Disability Discrimination Act 2005 (as amended) not to discriminate against disabled pupils by excluding them from the School for behaviour related to their SEN or disability. The Headmistress should ensure that reasonable steps have been taken by the School to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.

Behaviour outside the School

Parents and pupils are reminded that pupils' behaviour outside the School is subject to the School's policies and, in particular, the Promoting Positive Behaviour Policy. This is particularly (but not only) the case where pupils are outside the School on school business e.g. on trips or at sports fixtures. Unacceptable behaviour or any action or behaviour which brings the School into disrepute will be dealt with as if it had taken place in the School.

Remote Meetings

In addition to a parent requesting a remote meeting, meetings can also be remote in unforeseen or extraordinary circumstances.

For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease
- Note that where these extraordinary circumstances don't apply and parent/carers don't request a remote meeting, then the meeting **must** be held in person.

The School will make sure certain conditions are met for remote meetings:

Confirm that all the participants have access to the technology which will allow them to:

- o Hear
- o Speak
- o See
- o Be seen

Make sure all the participants will be able participate fully

Make sure that the remote meeting can be held fairly and transparently

If the School, governing body or arranging authority aren't satisfied that a remote meeting can be held fairly and transparently, then they should consult with parents/carers to decide how a face-to-face meeting can be arranged.

If technical issues occur and are unable to be resolved, or prevent participants holding the meeting fairly or transparently, the meeting will be rearranged to be in person without delay.

Parents will be asked to confirm that the meeting is not being recorded and their response will be minuted.

Related Policies

- Disability Policy
- IT Acceptable Use Policy
- Pupil Code of Conduct Policy
- Promoting Positive Behaviour Policy
- Safeguarding Children and Child Protection Policy

Appendix 1

INVESTIGATION

Part 1 – for use by any staff

Pupil's Name :		Date of Birth:		Class/Yr:			
Date & Time of Incident:							
Date and time of concern :							
REASON:							
Professional Abuse	Extremism	Domestic Violence	Physical Abuse	Sexual Abuse	Emotional Abuse	Neglect	Other
Your name:.....							
Job Title:.....							
Signature:							
<p>Record the following factually:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Who are you interviewing: <input type="checkbox"/> How are you interviewing: (Person/ Virtual) <input type="checkbox"/> What are the allegations: <input type="checkbox"/> Where are you interviewing: <input type="checkbox"/> When: (day and time) <input type="checkbox"/> Were there any witnesses:, (get their statements) <input type="checkbox"/> Do we have an appropriate standard of proof – other things need to know – do authorities need to do this e.g. Criminal nature <input type="checkbox"/> What Policies need to be complied with: <input type="checkbox"/> Key Stakeholders: (Pupils, Parents, Staff, Governors) 							

Those required to have input into investigation:

What is the pupil's account and/or perspective?

Your professional opinion – Especially in reference to threshold – 17/47? (where relevant):

Any other relevant information (distinguish between fact and opinion):
*E.g. previous concerns

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~ Check to make sure your report is clear to someone else reading it ~
Please pass this form to your Designated Safeguarding Lead.

Additional Information	Where can additional information regarding the child/incident be found (e.g. pupil file, serious incident book etc.)
Should a concern or confidential file be commenced*	<p>*if there isn't already one in place:</p> <p>Yes/No</p> <p>Why – state reasons:</p>
Signed	
Print Name	
Date	