



# EXCLUSIONS POLICY

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## **Vision**

We value our students by providing them with a safe and supportive environment for learning and we recognise that our job as educators is to assist our young people during this important phase of their social development. Within the context of being an academically selective Sixth Form, we aim to be inclusive and offer equality of opportunity to all of our students. We aim to provide a challenging curriculum that meets the high academic aspirations of all students, set challenging learning experiences and respond to our students' diverse learning needs to overcome any potential barrier to learning and assessment. As such suspensions and permanent exclusions should only be used as a last resort; where used it should be for serious one of offences or persistent breaches of the Sixth Form behaviour policy.

## **Exclusion**

Only the Principal or acting Principal may suspend or permanently exclude a student on disciplinary grounds. This power may not be delegated to anyone else. A student may be suspended for one or more fixed periods (up to a maximum of 45 days in a single academic year). Any decision the principal makes to suspend and/or permanently exclude a student must be;

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the principal will apply the civil standard of proof i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard 'beyond reasonable doubt.'

The principal may cancel an exclusion that has not been reviewed by the governing body. If this occurs, parents, the governing board and the local authority will be notified, and if relevant the social worker and VSH. Parents will be offered the opportunity to meet with the principal to discuss the circumstances that led to the exclusion being cancelled.

### **Permanent Exclusions or suspensions would normally be used:**

- For a major first offence, such as actual or threatened violence, sexual abuse or assault, supplying/ carrying any banned substances or carrying an offensive weapon.
- Where allowing a student to remain in Sixth Form would be detrimental to the education of other students, to the welfare of other students, staff or of the student him/herself.
- Where it follows a series of breaches of the Sixth Form's behaviour policy and after a range of strategies to resolve the student's disciplinary problems have been tried and have failed.
- Behaving in a confrontational manner towards staff including the use of offensive language.
- Behaving in a dangerous way which puts the health and safety of others at risk.
- Where a student persistently truants and reasonable efforts have been made to encourage the student to attend Sixth Form.
- Maliciously setting off the fire alarm or similar behaviour that endangers and disrupts the Sixth Form community.
- Deliberately damaging premises, buildings or equipment.
- Stealing or attempting to steal.
- Bullying.

- Racial abuse and racist behaviour.
- Disruptive behaviour.
- Inappropriate sexual behaviour.
- Homophobic behaviour.
- Inappropriate behaviour towards another person because of their religious beliefs.
- Any other form of discriminatory behaviour
- Where there have been persistent breaches of the Sixth Form's uniform policy.
- When the behaviour of the student outside the Sixth Form is such that it can be considered grounds for exclusion because it brings the Sixth Form into disrepute. This includes but is not limited to smoking/vaping whilst in Sixth Form uniform, anti-social behaviour and action on social media sites or any action that can be classified as bullying.
- Showing wilful disobedience by failing to follow a reasonable instruction of a member of staff.
- Being in possession of a prohibited item listed in the Sixth Form's Behaviour Policy.
- Where there is poor academic progress and an unwillingness by the student to improve.
- When establishing the facts in relation to a possible exclusion, the principal will always apply the civil standard of proof i.e., on the balance of probabilities.

### **When considering an exclusion, the principal will take into account**

- The student's account of the situation.
- Possible mitigating circumstances such as bereavement and mental health issues etc.
- Whether the student comes into a category that is known to be a particularly vulnerable group such as SEND.
- Whether all reasonable preventative strategies have been fully utilised.
- The principal may suspend a student for one or more fixed periods not exceeding a total of 45 days in any one Sixth Form year.
- If a student is suspended for lunchtimes only, each lunch time counts as a half day.

### **Following a suspension or permanent exclusion the principal will:**

- Inform the parents/carers of the period and nature of the suspension or permanent exclusion. If a student has a social worker, or if the student is looked-after, the principal will notify the social worker and/or VSH as applicable.
- Give the reasons for the suspension or permanent exclusion.
- Advise the parents/carers about rights of representation at the governing body and how these representations may be made where the suspension is for more than 5 days.
- Take account of his/her legal duty of care when sending a student home following a suspension or permanent exclusion.
- Make arrangements to provide suitable work during the period of the suspension or first full 5 days of a permanent exclusion.
- This information will be put in writing and will be sent either by e-mail or by delivering a letter directly to the parents/carers, leaving it at their last known address or by posting it to this address.
- The information will also be sent home with the suspended or suspension or permanent excluded student, but in this case, we will always send a duplicate copy by a reliable alternative method.
- In cases where further evidence comes to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension. In such cases, the principal must write again to the parents/carers explaining the reasons for the change and providing any additional information required.
- Notify the local authority of a suspension or permanent exclusion.
- Notify the governing board of a permanent exclusion, any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than five days in a term; and any suspension or permanent exclusion which would result in the student missing a public examination.

### **The Role of the Governing Board**

The principal will make a yearly report to the governing body on all suspensions or permanent exclusions, covering:

- The number and type of suspensions or permanent exclusion.
- The reasons, gender, ethnicity.
- Repeated exclusions and the Sixth Form's response to them.

The governing body may review all the various categories of suspension or permanent exclusions and will consider any representations made by the parents/carers of the suspended or permanent excluded student. If the student is aged 18 or over, he/she may represent himself/herself provided there is parental agreement.

The governing body has no power to increase the severity of a suspension or permanent exclusion. It can, however, uphold an exclusion or direct the student's reinstatement, either immediately or by a particular date.

However, in the case of suspension that does not bring the student's total number of days of suspension to more than 10 days in a term, the governing body cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

### **The Governing Boards Review Meeting**

Where a parent/carer of an excluded student lodges an appeal with the Chair of Governors for a suspension of more than 5 days, the governing body must consider reinstatement of a suspended or excluded student within 15 Sixth Form days of receiving the appeal.

The governing body will establish a discipline/appeals Committee to which it delegates its functions in respect of exclusions ('the Committee').

The Committee must consist of at least three governors.

If one of the Committee has knowledge of the student(s) involved in the exclusion, or of the incident that led to that exclusion that could affect his/her impartiality, he/she should step down.

The Chair has a casting vote in all cases where an even number of governors are considering the case.

If the exclusion could result in a student missing a public examination, the Committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors will consider the exclusion and decide whether to re-instate the student (these are the only circumstances in which the Chair alone will review an exclusion). When this occurs, the parents/carers also have the right to make oral representations.

The meeting will be conducted as follows:

- No party to the review will be alone with the Committee before, during or after the meeting.
- The Chair makes all introductions and explains the reason for the meeting and the powers held by the Committee either to uphold an exclusion or re-instate the student.
- The Sixth Form representative, usually the principal, will present the Sixth Form's case.
- He/she can be questioned by all the other parties.
- The parents/carers will be asked to give their reasons for appealing.
- The parents/carers and the student (if present), will still be asked if they have anything to add.
- The other parties may question the parents/carers and /or comment on what the family has said.
- The Sixth Form sums up its case.
- The parents/carers or their representative sum up their case.
- All the parties except the Committee leave.
- The Committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the student. The more serious the allegation, of course the more convincing the substantiating evidence needs to be.

In the case of suspensions, it is possible that the exclusion may already have expired and the student is back in Sixth Form. In that case the Committee will decide whether the principal's decision to exclude the student was justified, based on the evidence, the outcome should be added to the student's record for future reference.

Under those circumstances, the Committee should simply record whether or not they believed that the principal's decision was justified. This view should be recorded and sent to the parents/carers.

If the suspension is still operative the Committee will decide whether or not the principal's decision to exclude was justified. They can either uphold the exclusion or direct the student's reinstatement either immediately or on a named date.

The Committee must inform the parents/carers and the principal of their decision in writing within two Sixth Form Day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the principal to reinstate the student.

The Sixth Form has in place established procedures both for the return to Sixth Form of a student whose suspension has been upheld, and for the reinstatement of a student whose exclusion has been overturned.

On their return, a student first has a meeting with the principal or another senior member of staff, responsible for the student's welfare, along with his/her parents/carers.

There is no further appeal against the Committees' decision.

