

EXCLUSIONS POLICY

St Helen and St Katharine expects a high standard of behaviour from all its students. The School has the legal right to impose reasonable sanctions if a student misbehaves. Physical punishment is illegal; but DfE guidance advises that sanctions that a school might use include: a reprimand, a letter to parents, removal from a class or group, loss of privileges, confiscation of a possession that is inappropriate in the classroom, detention, or exclusion. This policy should be read in conjunction with the Behaviour Policy.

Exclusion, whether temporary or permanent, is a last resort.

St Helen and St Katharine does not allow any form of corporal punishment.

Fixed term exclusions are used to deal with serious breaches of discipline as below. In the most serious circumstances, permanent exclusion may be used.

Behaviour that may merit fixed term or permanent exclusion

Examples of such behaviour include (this list is NOT exhaustive)

- Drug abuse, including use of 'legal highs'
- Alcohol abuse
- Theft
- Possession of what may be taken to be an offensive weapon
- Bullying, including cyber bullying
- Physical assault/ threatening behaviour
- Verbal abuse/threatening behaviour
- Sexual harassment
- Sexual misconduct
- Racist abuse
- Abusive behaviour in relation to the protected characteristics of the Equalities Act
- Damage to property
- Persistent disruptive behaviour
- Repeated infringements of school rules that have initially incurred a less serious sanction
- Abusive or threatening parental behaviour
- Behaviour that brings the School into disrepute

Serious breaches of discipline that merit exclusions

The over-arching principle is a duty to act fairly. Whilst the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:

- a fair and thorough investigation should take place
- a student must be informed of the allegation and the evidence relied upon
- a student must be given a fair opportunity to represent themselves
- an appeal should be offered

Investigation

A member of the Senior Management Team will investigate the incident.

It will generally be appropriate for the investigation to be carried out by the relevant Head of Section or the Director of Students.

Information gathering

Statements should be taken from all students and staff who were involved in or witnessed the incident. All written statements should be attributed, signed and dated by the witness who should first be given the opportunity to read it. The statement should also be countersigned by the person who took the statement and any other person who was present when the student signed it. The original statement should be kept on file. It is good practice for another adult to be present when students are being interviewed by the person charged with the investigation. However, this need not be a parent. A neutral adult such as the appropriate tutor is preferable.

Parents will be informed as soon as practicable. In cases where Social Services or the Police become involved, parents will be informed as a matter of urgency.

The student involved should be told not to discuss the matter with other student and, in particular, with the other students involved. This is particularly important where the accusation relates to issues such as bullying and physical or verbal abuse. Parents will also be requested to treat the matter as confidential

Fixed term exclusions

In particularly serious cases it may be appropriate for the student to not attend school until a hearing. Such a period may be for 1 day up to 1 week. If a relatively lengthy investigation and fixed term exclusion is unavoidable, suitable arrangements will be made to ensure that, so far as practicable, the student is able to continue with her education during this time. Parents/carers will be told immediately by the Headmistress, or the Deputy Head or Director of Students, of any decision to temporarily exclude and this will be followed by a confirmatory letter.

Hearing

Once the information gathering stage has been completed, the next step is to hold the hearing. The hearing will generally be heard by the Headmistress and attended by the student, a note taker and any other person required (e.g. parents, witnesses or the member of staff who carried out the investigation).

- The Headmistress will explain the purpose of the hearing. She will set out how the hearing will be conducted and the role of all those present.
- The School will present its case. Generally, this will be done by the person who conducted the investigation. If witness statements have been obtained then these will be read out loud.
- The student and parents, if present, will then have an opportunity to ask questions, make comments and present the student's case.
- The Headmistress will ask any further questions and ensure the student is fully aware of the accusation and facts.
- The student will be asked to confirm she understands and invited to make any final comments.
- A designated note-taker will note the names and roles of all people present, all written documents considered, all oral evidence given and the decision reached including the reasons stated.
- In all but the most straightforward of cases, there will be an adjournment before announcing the decision. Ideally a decision would be made on the same day.

All parties will be informed of the decision. This will usually be done face to face in the first instance but will always be confirmed in writing, preferably within one school day of the hearing. The letter / email will state the decision in relation to the matter (or each of them), the sanction, when it takes

effect, the reasons, to whom the parents/carers may appeal and the deadline within which they must do so.

Any decision to exclude is a very serious one with significant potential repercussions. The decision will only be taken in response to a serious breach of the School's Behaviour Policy, or if, once other options have been exhausted, allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

A student's previous disciplinary record will be taken into account. A decision to exclude will also have regard to all the relevant circumstances:

- domestic circumstances.
- whether the student was provoked, perhaps as a result of bullying or harassment.
- whether any other students involved in the investigation are being dealt with in the same way.
- whether the interests of the student outweigh those of the School community as a whole.
- public examinations – a separate venue might be provided if appropriate

If appropriate a less severe sanction will be made, such as a fixed-term exclusion (perhaps accompanied by a final warning).

The Headmistress will consider agreeing to a managed move of the student to another school, provided such an alternative can be readily identified. Another option may be to allow the parents/carers an opportunity to withdraw the student rather than having an exclusion imposed.

Appeal

Fundamental to the fairness of any exclusion process is the right to appeal, which will be heard by at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School, and acceptable to both parties. Each of the Panel members shall be appointed by the Governing Body. The appeal will not be heard by the original decision taker and to this end, no governor who has been directly involved in the matter at hand should hear the appeal. Any governor with a connection to the student will be excluded from the panel.

The risk of lost schooling is a key concern that makes time of the essence. The objective must therefore be to hold any appeal within a reasonable time frame. The aim would be to conduct the appeal within five working days.

The purpose of the Appeal stage is to review of the fairness of the investigation and the sanction imposed. The purpose of the appeal hearing is generally to decide two issues; first, whether the student actually committed the disciplinary offence in question and, second, whether exclusion is a reasonable response. If the appeal panel concludes that the answer to the first question is no, the second question ceases to be relevant and the student should be re-admitted.

The appeal panel will not receive or consider fresh evidence that relates to issues not considered when the decision to exclude was taken. Equally, it should not overturn a decision to exclude purely on the basis of there having been a technical defect in the procedure followed – unless that defect was so substantial that justice was not done.

It should be made clear from the outset that the appeal decision is final.

Finding another school

To minimise disruption, an exclusion decision can be made but on a deferred basis so that the parents/carers have sufficient time to make suitable alternative arrangements. It might be that the student is allowed to return to School solely for the purpose of sitting imminent public exams. Depending on the reason for exclusion this may not be possible.

Fees following expulsion

If the student is expelled, there will be no refund of the Acceptance Fee or of Fees for the current or past Terms. There will be no charge to Fees in lieu of Notice but, save for any contrary provisions in any other agreement made between the Parents and the School, all arrears of Fees and any other sums due to the School will be payable. Arrangements will be made for the return of any school resources/equipment held.

Governor Scrutiny and Implementation:

This takes place through briefing meetings between Head and Chair and Chair of Risk and Compliance, and by the Chair of Risk and Compliance checking the Serious Sanction log termly and raising any queries/concerns with the Head

Policy last reviewed	Trinity 2021
Next Review date	Trinity 2022
Person Responsible	Headmistress
Audience	Staff and Parents