



## EXCLUSION POLICY

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Linked External Documents	

## Background

The policy is based on the Department of Education and Skills guide “Improving Behaviour and Attendance” and with due regard to the Education Act 2002, and the Equality Act 2010.

## Roles and Responsibilities

The Sub-Warden is responsible for creating, implementing and maintaining this policy, as well as being responsible for all of the operational matters associated with this Policy.

The Sub-Warden ensures that all of the teaching staff understand the policy and their responsibilities within it.

All Teaching Staff must understand their responsibilities defined in the policy and seek to carry out the requirements, seeking support from the Sub-Warden where needed.

The Safeguarding & Wellbeing Committee of the Governing Body approve this policy.

The School is committed to equal opportunities for all as outlined in the Equality Act of 2010, and this policy should be read alongside the School’s Equality Policy

## Aims

The School’s Behaviour Policy supports effective teaching, learning and personal development at St Edward’s by providing a structure within which pupils can behave in a positive and responsible way. It includes a fair and robust system for dealing with serious breaches or repeated instances of poor behaviour.

## Procedure

Pupils will only be excluded in cases of a serious breach of the School’s Behaviour Policy. A pupil may also be excluded if their continued presence in the School would seriously harm their own education or welfare, or the education or welfare of other pupils or staff.

Only the Warden or the Sub-Warden may exclude a pupil from the School. In the absence of the Warden and Sub-Warden either the Deputy Head (Pastoral) or the Deputy Head (Academic) may advise or require a pupil to be out of school for pastoral reasons or pending further investigation.

Before deciding to exclude a pupil, the Warden, or Sub-Warden will:

- Ensure that an appropriate investigation has been conducted. The Warden or Sub-Warden, may require the pupil to be excluded for a fixed term whilst the investigation is conducted. This may be considered to be a non-disciplinary or pastoral exclusion, without prejudice.
- Ensure that all the relevant evidence has been considered.

It should be noted in the context of serious breaches of policy and more generally that pupils who immediately or subsequently admit wrongdoing may have their sanctions reduced, and that those who attempt to lie or to conceal a misdemeanour risk having their sanctions increased.

- Give the pupil an opportunity to be heard.

The Sub-Warden will make it possible for a pupil facing disciplinary action to be accompanied and assisted in the disciplinary process, subject to the limitations of the circumstances. Such assistance is usually provided by a member of the House team (House Master, Assistant House Master, Tutor or Matron), but pupils may be accompanied by any member of staff of their choice. Additionally, or alternatively, pupils may be accompanied to disciplinary meetings by another pupil of their choice, provided that the circumstances do not in the judgement of the Sub-Warden and the Designated Safeguarding Lead make such an arrangement inappropriate for reasons of confidentiality.

- Consult other relevant people, if necessary.

In certain circumstances, external agencies (e.g. the Police or Children's Social Services) may have been involved in the process leading up to a pupil's exclusion. Where this has been the case, the School may have been and may continue to be bound by the directions of such external agencies and will pay due regard to their advice and guidance. Under such circumstances, it is possible that the School's own investigation may be delayed pending the completion of any such external investigation.

Before excluding a pupil, the Warden and/or Sub-Warden may consider other alternative actions to resolve a situation. For example, among other possible sanctions and courses of action:

- Restorative action, whereby the harm caused to the victim can be redressed
- Internal exclusion
- Removal from a class or transfer from one set to another
- In exceptional circumstances, a managed move from one boarding house to another.

Exclusion is inappropriate in cases of:

- Minor breaches of discipline, unless part of a wider picture of ill-discipline
- Poor academic performance, unless linked to disruptive behaviour in class or house

In making recommendations and taking decisions in accordance with this policy, the Warden and/or Sub-Warden will consider all relevant facts and evidence, including whether the incident(s) were provoked, will allow the pupil to give their version of events, and consider whether the pupil has special educational needs which might need to be taken into account. They will be mindful of the School's duties under the Equality Act 2010 (in particular with regard to the impact of exclusion).

Having considered these matters, the Warden and/or Sub-Warden will make a decision based on the balance of probability.

## Types of Exclusion

Exclusion can either be of a fixed term (i.e suspension) or permanent (i.e. expulsion), and the Warden and/or Sub-Warden may take into consideration previous poor behaviour, and any prior Final Warning when taking a decision.

## Final Warning

Where it is considered that the breach of School's rules, policies or codes is serious enough to warrant it, or where there is repeated poor behaviour (whether or not in breach of such rules, policies and codes), the Sub-Warden or Warden may recommend that the pupil is placed on a Final Warning for a period of twelve months.

This would mean that if, during that twelve-month period, the pupil committed a further behaviour breach, the terms of which will have been outlined in the letter confirming the Final Warning, his or her place at the School would be at risk.

The Warden or Sub-Warden will retain discretion as to whether the pupil should be placed on Final Warning, taking into account all of the relevant circumstances including the behaviour record of the pupil concerned. At the end of a twelve-month period, the pupil's Final Warning will be reviewed and may be removed.

## Fixed period exclusion

The Warden and/or the Sub-Warden is permitted to exclude a pupil for one or more fixed periods. Such exclusions may be applied where a pupil's behaviour is serious enough to withdraw the benefits of being at the School for a period of time. This also indicates that on

their return, their place in the School may be in jeopardy if they do not modify their behaviour to meet the School's expectations. This allows the pupil and their parents or guardian time at home to consider the consequences of what has happened in order to make it a positive learning experience.

The School will continue to provide education for the excluded pupil. The HM will collect work for the pupil and send it home. In the case of an exclusion lasting more than seven days, the Warden, in consultation with the relevant members of staff, will consider the following:

- How the pupil's education will continue
- Reintegration into the School post-exclusion

At all stages, parental co-operation will be sought. However, in all cases of fixed-term exclusion, the Warden's or Sub-Warden's decision is final and there is no right of appeal.

### Permanent Exclusion

The Warden (or the Sub-Warden in the absence of the Warden), after any appropriate consultation with the Chair of Governors, retains discretion as to whether a pupil's behaviour merits permanent exclusion (i.e. expulsion) taking into account all the circumstances surrounding any breach of the School's rules, policies or codes and the behavioural record of the pupil concerned.

This may include a serious breach or repeated breaches of the School's rules, policies or codes, an infraction during a Final Warning period or repeated poor behaviour. It may include instances where a pupil's actions have been illegal or may have brought the School's reputation into disrepute, or if allowing the pupil to remain in the School would seriously harm the education or welfare of others.

Any decision permanently to exclude a pupil is taken as a last resort. It is not, however, necessary for Permanent Exclusion to follow a Final Warning. Permanent Exclusion can be a sanction by itself.

A pupil may be Permanently Excluded from the school following an exceptional "one-off" offence, such as (but not limited to):

- Serious violence, actual or threatened, against a pupil or member of staff.
- Bullying of another pupil.
- Sexual abuse or assault.
- If pupils are caught engaging in inappropriate sexual activity.
- An incident involving drugs, including supplying, possession of and/or usage in school.
- Carrying an offensive weapon

- Acting in a way that seriously harms the School's reputation.

In such cases, the Warden will invite the parents to a meeting to discuss the matter and then ask them to remove their son or daughter from the school site if the outcome is Permanent Exclusion.

## Off-site behaviour

At the discretion of the Warden, the School will treat poor behaviour off-site as though it had occurred on the premises. Teachers and pupils should be aware of the rules and guidance relating to off site visits (see staff handbook). The School will, where appropriate, investigate and respond to poor behaviour by pupils during the holidays.

Should a pupil's behaviour on a school trip be potentially deemed worthy of a serious school sanction, the trip leader, in consultation with a member of the SMT, may require the pupil to leave the trip and return home. All costs related to the repatriation will be met by the pupil's parents.

## Communication with Parents

The School will have communicated with a pupil's parents about any serious disciplinary matters in line with the School's Behaviour Policy. In the event of a decision being taken to exclude a pupil, the Warden or the Sub-Warden will inform the boy's parents of this decision in writing and will include:

- the reason(s) for the exclusion
- the length of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent
- in the event of a permanent exclusion, the procedure for appeal to the Governors

The School will record the number and type of exclusions. These records are required by the Independent Schools Inspectorate (ISI) and will be annually monitored by the Sub-Warden.

## Appeal

Parents have the right of appeal to the Governors following the Warden's decision to exclude a pupil permanently from the School. Parents do not have the right of appeal to a fixed-term exclusion. An appeal will take the form of an application for a Review of Exclusion.

## Review procedure following exclusion

### How to apply for a Review

1. At the time of the exclusion the parents will be given a form of “Request for Review of Exclusion” together with a copy of these procedures. If parents seek review, the request form must be completed and returned to the Bursar or Secretary to the Governing Body within 3 working days after they were first aware of the exclusion decision.
2. In their application the parents must state the grounds on which they are appealing and asking for a review, and indicate the outcome they seek.
3. Unless there are exceptional circumstances the review must be heard within 7 to 14 days of the exclusion and sooner if all concerned agree.
4. As soon as practicable after the Bursar or Secretary to the Governing Body received the notice of appeal, he/she will convene the Review Panel and contact the parents to agree a convenient date, time and place for the Review Hearing. Each member of the Review Panel will be provided with a copy of any relevant documents including the conduct file of the pupil. The parents shall be entitled to copies of all those documents save any which, in the opinion of the Warden, should not be disclosed.

### What to expect at the Review Hearing:

1. The Review will be conducted by a Review Panel selected by the Chairman of Governors at his/her discretion. The Chairman may choose to ask a person independent of the School to be part of the Review Panel. Any Governors chosen to be part of it will be those who have no detailed previous knowledge of the case or of the pupil, parents or guardians, and will not include the Chairman. The Review Panel will consider all the evidence and any new evidence that is offered and the matters listed in the section below.
2. Those present throughout the Hearing will normally be the Review Panel, the Warden, the Sub-Warden, the parents/guardian (“parents”) and the pupil and the Secretary to the Governing Body. The parents may be accompanied by a friend or relation or by a member of the School staff if desired.

3. It is intended that the Review Hearing will be conducted in an informal way. The seating will be arranged so that, as far as practicable, everyone present can see and speak to each other without difficulty.
4. Each of the grounds given in the parents' "Request for Review of Exclusion" will be considered in turn and discussed. The proceedings will not be recorded but the Secretary to the Governing Body will be asked to keep a Minute of the main points that arise. All present will be entitled, should they wish, to write their own notes. Pens and paper will be provided.

## Matters which the Review Panel may consider

In relation to each issue raised, the members of the Review Panel may take into account all of the following circumstances:

1. The nature and gravity of the complaint(s) against the pupil.
2. Whether or not the guilt of the pupil has been reasonably well established on the balance of probabilities, on the evidence that is before the Review Panel including any given at the original hearing.
3. Whether or not the complaint was investigated fairly.
4. The level of co-operation that has been given by the pupil and his/her parents/guardian.
5. The actual or likely effect of the pupil's alleged conduct on other members of the School's community.
6. The general record of the pupil during his/her time at the School.
7. The interests of the School community balanced with those of the individual pupil.
8. Any other relevant circumstances, including the personal circumstances of the individual pupil.

## Conduct of the Review Hearing

1. The Review Hearing shall be directed in all respects by the Chairman of the Review Panel. Statements made at the hearing shall be unsworn. The Chairman of the Review Panel will conduct the hearing in such a manner as he/she thinks fit in order



to ensure that all those present have the opportunity of asking questions and making comments.

2. If the Warden considers it necessary in the interests of the individual or of the School that the identity of any witnesses should be withheld, the Chairman may require the name of the witness and the reasons for withholding identity to be written down and shown to the Review Panel. The Chairman, at his/her discretion, may direct that the witness be identified.
3. 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.
4. All those attending the Review Hearing are expected to show courtesy and good manners, otherwise the Chairman may, at his/her discretion, adjourn or terminate the Review Hearing. If the Hearing is terminated, the original decision will stand.
5. When the Chairman decides that all issues have been sufficiently discussed, he/she may require all those present (except the members of the Review Panel) to withdraw to another room while the Review Panel decides:-
  - a) Whether it is likely to be able to reach a decision within the next hour; in which case the decision will be given at that time; or
  - b) Whether, during the course of the Review, some consensus has been reached so the formal decision will be unnecessary; or
  - c) Whether more time will be required before a decision can be reached. If more than one hour will be required, the Chairman may adjourn the Review Hearing, and arrange for the decision of the Review Panel to be notified to the parents/guardian.
6. The decision of the Review Panel will normally be notified by the Chairman of the Review Panel or the Warden by telephone, confirmed in a letter, or by letter alone, within 7 days of the hearing. The decision of the Review Panel will be final.



ST. EDWARD'S  
OXFORD

### REQUEST FOR REVIEW

To: The Bursar / Secretary to the Governing Body

Name of Pupil .....

Names of those with Parental Responsibility: .....

.....

Address of Parents/Guardian .....

.....

Telephone Numbers: ..... (day time) ..... (evening)

I, being a person with parental responsibility for the above named pupil, request that a Review Panel of the Governing Body carries out a review of the decision to exclude the pupil permanently from the School.

We have received with this form a copy of the Review Procedure and we agree to abide by its terms.

We also agree that the proceedings are and will remain confidential and that this review will be final subject to such (if any) legal rights as may exist.

The grounds upon which we seek a review and the matters which we wish to discuss at the review, and to ask the Panel to take into account, are as set out on the reverse side of this sheet.

We understand that we may be accompanied at the review hearing by a friend or relation or by a member of the School's staff who knows and who is willing to speak on behalf of the pupil.

(Two signatures required where practicable.)

First Signature: ..... Second Signature .....

Full Name: ..... Full Name: .....

Date: ..... Date: .....