GDST FIXED PERIOD AND PERMANENT EXCLUSIONS POLICY

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A GENERAL GUIDANCE FOR PARENTS

1. INTRODUCTION

1.1 The Council of The Girls' Day School Trust is responsible for setting the Trust's policy on the exclusion of pupils. Schools are required to follow the Council's procedures for fixed period or permanent exclusions, and these procedures are detailed in Section B. However, failure strictly to observe these exclusion procedures shall not entitle the parent or pupil to any remedy or form the basis of any claim against the school or GDST if in substance the pupil has been dealt with in a fair manner that conforms generally to the rules of natural justice.

N.B. The procedures do not apply to Academies sponsored by the GDST which are governed by their own separate exclusions procedures.

1.2 Throughout the guidance, the expression "parents" is used for those having parental responsibility for the child and references to the Chief Executive shall be deemed to include an appropriate senior officer of the GDST acting on her/his behalf.

2. EQUAL OPPORTUNITIES

2.1 This Exclusion Policy will be operated in accordance with the GDST's Equal Opportunities Policy.

3. REASONS FOR EXCLUSION

3.1 A pupil may be excluded from school (by being sent home or on occasion within school or having her/his return to school prevented) for either:

a) a fixed period of time ("**fixed period exclusion**") (see Section B2); or

b) permanently - whereby the pupil will not be permitted to return to school ("**permanent exclusion**") (see Section B3).

3.2 A decision to exclude a child for a fixed period or permanently should be taken only:

a) where there has been a serious breach, or serious breaches, of the school's discipline policy and/or any related policies such as the school rules, Acceptable Use Agreement, anti-bullying policy and drugs policy; or

b) where there has been a build up of incidents over time, which, in the professional judgement of the Head, constitutes a concerted flouting of the school's rules and regulations. Whilst generally exclusion is not an appropriate sanction for minor incidents, in such cases of repeated breach, a fixed period exclusion may be given, and any subsequent failure to abide by the school's rules and regulations could give rise to permanent exclusion; or

c) if allowing the pupil to remain in school will seriously harm the education or welfare of other pupils in the school or the welfare of staff.

N.B: The following cases <u>do not</u> fall within the Exclusions Policy:-

i) where the Head gives contractual notice in accordance with the GDST terms and conditions (parent contract).

ii) where parents are in breach of contract for non-payment of fees, or due to unacceptable behaviour on their part.

Such cases will lead to a required withdrawal of the pupil, and are determined in accordance with the parent contract. These cases are discussed at Part C below.

3.3 Immediate action may need to be taken to protect pupils and staff and a pupil may be permanently excluded for a first offence, particularly if it involves violence or another criminal offence. Following any essential immediate action all due procedures must be observed (see Section B).

3.4 Further guidance on exclusions for particular reasons is set out below:

a) ***Drug related exclusion***

- Drug related incidents present complex problems for schools. The possession, supply, or taking of drugs may involve a criminal offence; effective liaison with the police will help in the appropriate handling of such incidents.

- In the majority of cases permanent exclusion will be the appropriate course, but on some occasions fixed period exclusion may be more appropriate given the circumstances of the case. Any such fixed period exclusion may be accompanied by a requirement to comply with subsequent random drugs testing at the pupil's/parents' expense.

b) ***Offensive weapons***

- It is a criminal offence to carry an offensive weapon in or around a school's premises and in the majority of cases permanent exclusion will be the most appropriate course. In situations where a weapon is authorised on school premises, for example, for use in a CCF, clear safety procedures must be followed.

B PROCEDURE FOR EXCLUSION CASES

1. INVESTIGATION

1.1 The Head will conduct a full investigation into the circumstances leading up to the proposed exclusion and, in particular, will:

a) where relevant speak to other members of staff and/or pupils;

b) co-operate with a police investigation if it is suspected that a criminal offence has been committed; and

c) interview the pupil,

- in the presence of another member of staff; and
- in the presence of the pupil's parents, if they wish (with the agreement of the pupil if she is over the age of 18).

1.2 Detailed written records of all stages of the investigation must be retained by the Head.

2. FIXED PERIOD EXCLUSIONS

2.1 The Head may, after conducting an investigation, exclude a pupil for up to 5 school days but must:

a) ensure that the parents have received notice of the exclusion, if possible by telephone or in person, before it takes effect;

b) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues, or that clear arrangements are in place in the exceptional circumstance that a pupil's exclusion is conducted within school premises;

c) write to the parents with details including:

- the length of the exclusion;
- the reason for it; and
- the likely consequences of any further misconduct (including permanent exclusion);

d) inform the Chairman of the School Governing Board; and

e) inform the Chief Executive.

2.2 When exclusions exceed one school day, work should be set to be undertaken at home and followed up on the pupil's return to school. For the avoidance of doubt, an exclusion for part of a day will count as one day of exclusion.

2.3 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.

2.4 The Head may, in exceptional circumstances and with the consent of the Chairman of the School Governing Board, exclude a pupil for a longer period, up to a maximum of 7 school days.

2.5 Where a pupil is excluded for a fixed period, any complaint by the pupil's parents should be made under the GDST's Complaints Procedure, rather than the Exclusions Appeal Procedure.

3. PERMANENT EXCLUSIONS

3.1 Where the Head considers that the permanent exclusion of a pupil may be warranted in the circumstances, the Head will conduct an investigation in accordance with Section B1. In most cases, it will be appropriate to exclude the pupil for a period not exceeding 5 school days whilst the investigation is conducted.

3.2 Where the Head is to/has excluded a pupil under Section B3.1, the Head should:

a) obtain the consent of the Chairman of the School Governing Board prior to the exclusion taking effect. This consent should be confirmed in writing in due course;

b) ensure that the pupil's parents have been notified of the exclusion, if possible by telephone or in person, before it takes effect;

c) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues;

d) write to the pupil's parents stating that the pupil has been excluded pending investigation; and

e) inform the Chief Executive.

3.3 If the Head considers that the investigation cannot be completed within the period of the initial exclusion, s/he may extend the exclusion by no more than a further period of 10 school days. The Head must repeat the steps detailed in Section B3.1 including a further notification to parents as set out in Section B3.2(b).

3.4 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.

3.5 Appropriate work should be given from the outset. In particular, any pupil coming up to examinations should be provided with clear direction or an appropriate programme of study, including the marking of work, where appropriate. Details of work set or relevant study guidance given should be included in the record of the exclusion process and made available to the Appeal Panel if an appeal is lodged against permanent exclusion.

3.6 After completion of the investigation the Head will:

a) discuss her/his conclusions and recommendation with the Chairman of the School Governing Board and agree a way forward; and

b) meet with the pupil's parents to discuss the outcome of the investigation.

3.7 After meeting the pupil's parents the Head will send a confidential written report and recommendation to:

a) the Chairman of the School Governing Board; and

b) the Chief Executive.

3.8 The Head's recommendation will be either to:

a) allow the pupil to return to school immediately if, following investigation, the pupil is deemed not to have behaved inappropriately;

b) allow the pupil to return to school immediately with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately;

c) allow the pupil to return to school on a specified date (where possible, this should not be more than 15 school days after the start of the fixed period exclusion), with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion; or

d) exclude the pupil from school permanently if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants permanent exclusion.

3.9 The Chairman of the School Governing Board will confirm her/his agreement in writing to the Head and also to the Chief Executive, together with the recommended action, within 24 hours of receipt of the Head's report. If the Chairman of the School Governing Board does not agree with the Head's recommendation, the matter will be discussed further with the Chief Executive with a view to reaching a resolution.

3.10 Following the decision:

a) Following receipt of the Chairman of the School Governing Board's letter supporting the Head's decision, the Head will:

- inform the parents immediately, by telephone or in person if possible, of the result of the investigation and of the decision;
- confirm the decision in writing to the parents; and
- offer the opportunity to discuss the outcome, either on the telephone or in person.

b) If the decision is that the pupil should be excluded permanently, the Head will also:

- explain the Appeals Procedure in writing to the parents;
- assist the parents in the search for an alternative school wherever possible; and

- notify the Local Authority of the deletion from the school roll following the relevant local procedures (the pupil should not be removed from the school roll until the appeal process has been concluded or the time limit for the appeal has expired or the parents have confirmed that they will not appeal).

c) Where the pupil is to return to school, the Head should consider appropriate reintegration and monitoring measures. These should be discussed with the parents and pupil and should be confirmed in writing. It is vital that any proposed support and/or follow-up actions are conducted and their effect monitored by relevant staff. In situations where another pupil or member of staff have suffered as a result of the excluded pupil's actions, the Head should also ensure that there are suitable support mechanisms in place to assist them in dealing with the pupil's reintegration.

4. THE APPEAL PROCEDURE

4.1 Right of appeal

a) Parents, or the pupil if s/he is over the age of 18, who wish to appeal against a decision permanently to exclude a pupil must lodge their appeal, in writing, clearly setting out the grounds on which they wish to appeal, with the GDST's Chief Executive at The Asticus Building, 21 Palmer Street, London, England, SW1H 0AD , within 14 days of the date of the Head's written confirmation of that decision. If parents do not appeal within 14 days, there shall be no later right of appeal unless, in the opinion of the Chief Executive, exceptional circumstances exist which justify the delay.

b) Where two or more pupils are alleged to have been involved in the same incident or linked incidents and these pupils have been permanently excluded as a consequence of the incidents(s), each case should, in the interests of fairness, be heard by the same Panel.

4.2 Prior to the hearing

a) On receipt of the notice of appeal from the parents, the Chief Executive will immediately inform the Chairman of the Council of the GDST, the Chairman of the School Governing Board and the Head that such a notice has been received.

b) Once the Chief Executive has informed the Chairman of the Council of the GDST of the parents' notice of appeal, the Chairman will convene an Appeal Panel. The Panel will consist of at least 3 persons not directly involved in the matters surrounding the exclusion or the school, who will all be Trustees. No-one should be appointed where there may be a conflict of interest.

c) A hearing will be scheduled to take place as soon as is practicable and normally within 15 school days of receipt of the parents' notice of appeal. It will normally be held at Trust Office, but in cases where it is not reasonable to ask parents and staff to travel long distances, efforts will be made to hold the hearing at premises near the school. Where this is not possible, reasonable travel expenses may be available in appropriate cases.

d) Where the parents' notice of appeal is received immediately prior to, or during a school holiday, the Chief Executive will progress matters as swiftly as is reasonably practicable and will notify parents of any delay.

e) The Chief Executive will write to the parents to ask them (or the pupil) to provide, not less than 10 days before the hearing, any written statements and supporting documentation on which they wish to rely to the clerk of the Panel, for inclusion in a combined bundle of documents for use at the hearing.

f) The Head is required to provide a statement to be included in the combined bundle of documents, which should cover the following areas:

- the pupil's age and school year;
- a summary of the pupil's academic and behavioural record where relevant;
- all steps taken by the school in relation to any previous disciplinary incidents;
- a full account of the incident(s) leading to permanent exclusion; and
- the details of work set or relevant study guidance given during the exclusion period.

g) All concerned should have the same set of documents before them for the hearing. The clerk of the Panel will, at least 5 days prior to the hearing, circulate a copy of the combined bundle of documents to the parents, Head, Chairman of the School Governing Board and the Panel. Only in exceptional circumstances will documents be allowed to be submitted for the hearing after this time (see also Section B4.3(f)).

h) The Chairman of the Panel, or the clerk, will normally write to the parents before the hearing, having considered the nature of the appeal and the documentary material, to outline the procedure for the hearing. Should the parents have any questions concerning the panel's procedure, they should address them to the clerk of the Panel at Trust Office.

4.3 Conduct of the Hearing

a) Prior to the hearing, decisions relating to procedure may be dealt with by the Chairman of the Panel acting alone.

b) The hearing is not a court of law and the conduct of the hearing shall be at the Panel's discretion which will be based on fairness and informality, but should not normally differ substantially from the procedure outlined in the Chairman of the Panel's (or the clerk's) letter to the parents (see Section B4.2(h)).

c) The Panel's role is to review the Head's decision, which will involve:

- considering if it was fair and reasonable in all the circumstances, taking into account that the Head's decision was made on the balance of probabilities;
- considering if permanent exclusion was a proportionate sanction; and

- deciding if reinstatement of the pupil would be possible (if sought), taking into account the impact of such re-instatement on other members of the school community (both staff and pupils).

d) In forming its views, the Panel must ensure that each party is given equal opportunity to put its case fully, and that it gives sufficient consideration both to the procedures followed and reasoning employed by the school, and to the pupil's explanation of her/his behaviour. It must take a fair and impartial view, and ask as many questions as necessary to elicit all relevant information to enable it to form a balanced view.

e) The Panel may refuse to consider matters of which written notice has not been given if they consider that so doing would be prejudicial to a fair and effective consideration of the Appeal.

f) Additional material may not generally be submitted at the hearing unless the Panel considers that the absence of such material would prejudice either party's case (see Section B4.2(g)). In no circumstances may the school introduce new grounds for the exclusion at this stage.

g) All documents are to be treated by all concerned as confidential.

h) The parents may be accompanied to the hearing by one other person. The pupil may also be accompanied if required. The accompanying person may be a relative or a friend. It is not appropriate for the parents to have a legal representative at the hearing. The Head will be accompanied by their Chairman of the School Governing Board.

i) Either party may request that witnesses be present. The Panel does not however have the power to compel the attendance of any witness to the hearing and it may be more appropriate for witness evidence to be put forward in the form of a witness statement.

j) A nominated member of the GDST's Legal Department will act as a clerk to provide advice on the exclusion process and handle administrative arrangements. They will not provide substantive legal advice to either party. In addition, a scribe will normally attend to take a note of the proceedings.

4.4 The Order of the Hearing

a)The order of the hearing shall be as follows:

i) The parents (and/or the pupil if s/he is over 18, or if all parties agree that this is appropriate) will put their case.

ii) The Chairman of the School Governing Board, speaking on behalf of the Head and the school community, will put their case, summarising the grounds for exclusion.

iii) The Chairman of the School Governing Board and the Head will then be asked to withdraw from the hearing in order that the parents (and the pupil if s/he is over 18) may speak to the Panel privately if they wish to do so.

iv) The Chairman of the School Governing Board and the Head will then be asked to rejoin the hearing and, if the parents and the pupil wish the Panel to take any matters raised privately into consideration in reaching its decision, such matters will be put to the Head and Chairman of the School Governing Board by the Chairman of the Panel in the presence of the parents and the pupil. The Chairman of the School Governing Board and the Head will be invited to comment but may request a brief adjournment to consider their response, if the Panel considers this to be appropriate.

v) The Chairman of the School Governing Board and the Head will be asked if they wish to say anything in conclusion.

vi) The parents (and the pupil if s/he is over 18) will be asked if they wish to say anything in conclusion.

vii) The parents and pupil, the Chairman of the School Governing Board and the Head will withdraw and the Panel will consider the evidence.

N.B. The respective parties and the Panel will be able to ask questions through the Chairman of the Panel after any of the above, but particularly after B4.4(a)(i)-(iv).

4.5 The Panel's decision

a) After due consideration of all the relevant facts, the Panel will reach a decision.

b) In reaching its decision, the Panel should take into account the broader interests of the other pupils and staff at the school as well as those of the excluded pupil. It will make its decision in private and this will normally be either:

- to uphold the Head's decision; or
- to refer the matter back to the Head for further consideration of matters that have been canvassed during the Appeal; or
- to allow the Appeal and the pupil's re-instatement where practical; or
- in circumstances where it is not practical to re-instate the pupil, to allow the Appeal and make a statement to the effect that reinstatement would have been appropriate but for the specific circumstances of the case.

c) All parties will be notified of the Panel's decision, in writing, accompanied by an explanation, no later than the end of the second school day after the hearing or within 48 hours if the hearing occurs outside the school term.

d) In the case of an appeal being allowed, the Panel should ensure that the date of the pupil's return to school is agreed with the Head (prior to notification of the date to the parent/pupil) in order to ensure that the Head has sufficient time to arrange for the pupil's reintegration.

e) Parents can be assured that correspondence, statements and records relating to the appeal will be kept confidential except where disclosure is required in the course of the school's

inspection by the relevant regulatory authorities or where any other legal obligation prevails.

C CASES NOT COVERED BY APPEAL

These cases do not fall within the Exclusions Policy, and are determined in accordance with GDST's terms and conditions (the parent contract).

1. CONTRACTUAL NOTICE

This applies where in the opinion of the Head, the pupil will not benefit from continuing their education at the school, or where in the Head's professional opinion the pupil has not attained a sufficiently high standard of work or behaviour to continue.

1.1 Schools must ensure that they have a clear set of procedures in place, known to all relevant staff and communicated in an appropriate form to parents, which enable them, where a pupil is failing to achieve a satisfactory standard of work or behaviour, to:

- keep parents fully informed;
- identify pupil difficulties;
- provide support as appropriate;
- where appropriate, arrange individual Home/School Agreements setting out previously identified goals and time related targets; and
- allow a reasonable time scale for monitoring of progress.

1.2 Where, in the Head's opinion, having gone through the above, it is clear that the pupil should be required to withdraw from the school, the pupil's parents should have at least a term to make alternative arrangements.

1.3 In all cases, documentation should be clear and readily available.

2. BREACHES OF CONTRACT

2.1 **In cases of non-payment of fees:**

- The GDST will make every effort to assist parents who experience sudden financial hardship; due to limited resources this is, however, not always possible. If a pupil is required to withdraw from school for non-payment of fees, the school is under no obligation to provide her/him with work to enable her/him to pursue her/his studies at home.
- The Chief Executive may require a pupil to withdraw from school at any time if the fees have not been paid by the due date. The pupil's parents will receive not less than one week's notice of the intended withdrawal.

- If payment in full has not been received nor an appropriate repayment arrangement been agreed within two weeks of the withdrawal taking effect, during which time the Pupil may not return to the school, the Chief Executive may require the pupil to be permanently withdrawn from school. The pupil's parents will receive not less than two weeks' notice of the intended permanent withdrawal and of the removal of the pupil's name from the school roll.

- the Head will inform the Local Authority of the deletion from the school roll following the relevant local procedures.

2.2 **In cases where the pupil's parents' behaviour is unacceptable:**

- If the behaviour of either or both a pupil's parents is, in the Head's opinion, unreasonable and is adversely affecting, or is likely adversely to affect, the pupil, other pupils, or staff at the school, or is bringing the school or the GDST into disrepute, or the relationship of trust and confidence between the parents and the school has, in the Head's opinion, irreparably broken down, the GDST may require a parent to withdraw the pupil without notice, either for a set period or permanently.

- In the event of such required withdrawal, parents will be permitted a reasonable opportunity (determined by the Head) to make written representations to the Head, and, if parents wish, to the Chief Executive of GDST, before the length or permanence of the withdrawal is confirmed. The decision of the Head or Chief Executive (if the latter is involved by parents) will be final.

- In cases of set period withdrawal, the school will wherever possible provide the pupil with work or study guidance to enable her/him to pursue her/his studies at home including, where appropriate, marking of work.

- Permanent withdrawal in such cases will only be appropriate in exceptional circumstances. The implications must be carefully considered with the GDST's Chief Executive before any final decision is made.