

# EXCLUSIONS POLICY

<b>Policy Code</b> <i>QSC/59</i>	<b>Authorisation Date</b> <i>April 2021</i>	<b>Next Review Date</b> <i>April 2023</i>
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<b>Associated Documents</b> <ul style="list-style-type: none"> <li>• <i>Anti-Bullying Policy</i></li> <li>• <i>Attendance Policy</i></li> <li>• <i>Behaviour Management Policy</i></li> <li>• <i>Enrolment Application Form</i></li> <li>• <i>Equal Opportunities Policy</i></li> <li>• <i>Ethos, Values Statement and Guiding Principles</i></li> <li>• <i>Grievance and Disclosure In The Public Interest Policy (Whistle Blowing Policy)</i></li> <li>• <i>ICT &amp; E-Safety Policy</i></li> <li>• <i>Parent Student Handbook</i></li> <li>• <i>Safeguarding &amp; Child Protection Policy including the DfE Keeping Children Safe In Education guidance</i></li> <li>• <i>SEND Learning Support Policy</i></li> <li>• <i>Staff Handbook</i></li> </ul>		

## 1. PURPOSE

The aim of this policy is to support Trustees and staff at OSG UK Bristol Campus (hereafter ‘the Campus’) in ensuring.

## 2. SCOPE

This policy applies to all staff members, trustees, volunteers, current and prospective students, parents and guardians.

## 3. DEFINITIONS

Term	Definition
Parents	Those adults with parental responsibility for the child(ren).
OSG UK	OneSchool Global UK
COO	Chief Operating Officer

## 4. POLICY STATEMENT

### 4.1. Reasons for Exclusion

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

- fixed period of time (“fixed period exclusion”) or
- permanently - whereby the student will not be permitted to return to Campus (“permanent exclusion”)

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

- Where there has been a serious breach, or serious breaches, of the school's behaviour management policy and/or any related policies such as the school rules, Acceptable Use Agreement, anti-bullying policy; or
- Where there has been a build up of incidents over time, which, in the professional judgement of the Campus Principal, constitutes a concerted flouting of the Campus' 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 Campus' rules and regulations could give rise to permanent exclusion; or
- If allowing the student to remain in Campus will seriously harm the education or welfare of other students in the Campus or the welfare of staff.

4.1.3. Immediate action may need to be taken to protect students and staff and a student 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).

#### **4.2. Drug related exclusion**

4.2.1. 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.

4.2.2. 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 student's/parents' expense.

#### **4.3. Offensive weapons**

4.3.1. 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.

## **5. PROCEDURES**

### **5.1. Investigation**

5.1.1. The Campus Principal will conduct a full investigation into the circumstances leading up to the proposed exclusion and, in particular, will:

- where relevant speak to other members of staff and/or students;
- co-operate with a police investigation if it is suspected that a criminal offence has been committed; and
- interview the student, in the presence of another member of staff; and in the presence of the student's parents, if they wish (with the agreement of the student if he/she is over the age of 18).

5.1.2. Detailed written records of all stages of the investigation must be retained by the Campus Principal.

### **5.2. Fixed Period Exclusion**

5.2.1. The Campus Principal may, after conducting an investigation, exclude a student for up to 5 school days but must:

- Gain approval from the Lead CA and Regional Principal
- ensure that the parents have received notice of the exclusion, if possible by telephone or in person, before it takes effect;
- ensure that satisfactory arrangements have been made if the student 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 student's exclusion is conducted within Campus premises;
- 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);
- inform the Chair of Governors (Regional Team Leader);

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

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

5.2.4. The Campus Principal may, in exceptional circumstances and with the consent of the Lead CA, Regional Principal and Regional Team Leader, exclude a student for a longer period, up to a maximum of 7 school days.

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

### **5.3. Permanent Exclusion**

5.3.1. Where the Campus Principal considers that the permanent exclusion of a student may be warranted in the circumstances, the Campus Principal will conduct an investigation. In most cases, it will be appropriate to exclude the student for a period not exceeding 5 school days whilst the investigation is conducted.

5.3.2. Where the Campus Principal is to/has permanently excluded a student, the Campus Principal should:

- obtain the consent of the Lead CA, Regional Principal and Chief Operating Officer of OSG UK prior to the exclusion taking effect. This consent should be confirmed in writing prior to any permanent exclusion being enforced;
- ensure that the student's parents have been notified of the exclusion, if possible by telephone or in person, before it takes effect;
- ensure that satisfactory arrangements have been made if the student is to be sent home immediately, having due regard to safeguarding issues;

- write to the student's parents stating that the student has been excluded pending investigation;
- 5.3.3. If the Campus Principal considers that the investigation cannot be completed within the period of the initial exclusion, they may extend the exclusion by no more than a further period of 10 school days. The Campus Principal must repeat the steps detailed in 5.3.2 including a further notification to parents.
- 5.3.4. Where Campus activities occur within the exclusion period (including outside normal school hours) the student should normally not take part in such activities.
- 5.3.5. Appropriate work should be given from the outset. In particular any student 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.
- 5.3.6. After completion of the investigation the Campus Principal will:
- discuss their conclusions and recommendation with the Chief Operating Officer of OSG UK and agree a way forward; and
  - meet with the student's parents to discuss the outcome of the investigation.
- 5.3.7. After meeting the student's parents the Campus Principal will send a confidential written report and recommendation to:
- the Chief Operating Officer of OSG UK; and
  - the Regional Team Leader
  - the Regional Principal
- 5.3.8. The Campus Principal's recommendation will be either to:
- allow the student to return to Campus immediately if, following investigation, the student is deemed not to have behaved inappropriately;
  - allow the student to return to Campus immediately with a written warning of the effect of further misconduct if, following investigation, the student is deemed to have behaved inappropriately;
  - allow the student 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 student is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion; or
  - exclude the student from school permanently if, following investigation, the student is deemed to have behaved inappropriately and this behaviour warrants permanent exclusion. The Chief Operating Officer of OSG UK will confirm her/his agreement in writing to the Campus Principal and also to the Regional Principal, together with the recommended action, within 24 hours of receipt of the Campus Principal's report. If the Chief Operating Officer of OSG UK does not agree with the Campus Principal's recommendation, the matter will be

discussed further with the Regional Principal with a view to reaching a resolution.

5.3.9. Following receipt of the Chief Operating Officer of OSG UK letter supporting the Campus Principal's decision, the Campus Principal 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.

5.3.10. If the decision is that the student should be excluded permanently, the Campus Principal 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 date on which the student is removed from the school roll if no alternative arrangements have been made for the student's education and s/he is below the statutory school leaving age (the student 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).

5.3.11. Where the student is to return to Campus, the Campus Principal should consider appropriate reintegration and monitoring measures. These should be discussed with the parents and student 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 student or member of staff have suffered as a result of the excluded student's actions, the Campus Principal should also ensure that there are suitable support mechanisms in place to assist them in dealing with the student's reintegration.

## **5.4 The Appeal Procedure**

### **5.4.1. Right of appeal**

- Parents, or the student if s/he is over the age of 18, who wish to appeal against a decision permanently to exclude a student must lodge their appeal, in writing, clearly setting out the grounds on which they wish to appeal, with the Regional Principal at Exchange Place, Poseidon Way, Warwick CV34 6BY, within 14 days of the date of the Campus Principal'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 Regional Principal, exceptional circumstances exist which justify the delay.
- Where two or more students are alleged to have been involved in the same incident or linked incidents and these students 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.

#### **5.4.2.Prior to the hearing**

- On receipt of the notice of appeal from the parents, the Regional Principal will immediately inform the OSGUK COO, the Regional Team Leader, the Lead CA and the Campus Principal that such a notice has been received.
- Once the Regional Principal has informed the OSGUK COO of the parents' notice of appeal, the OSG UK Chair of Trustees 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.

5.4.3.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 the registered Head 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 Campus. Where this is not possible, reasonable travel expenses may be available in appropriate cases.

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

5.4.5.The Regional Principal will write to the parents to ask them (or the student) 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.

5.4.6.The Campus Principal is required to provide a statement to be included in the combined bundle of documents, which should cover the following areas:

- the student's age and school year;
- a summary of the student'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.

5.4.7.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, Campus Principal, OSGUK COO and the Panel. Only in exceptional circumstances will documents be allowed to be submitted for the hearing after this time.

5.4.8.The Chair 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 Exchange Place.

#### **5.4.9. Conduct of the Hearing**

- Prior to the hearing, decisions relating to procedure may be dealt with by the Chair of the Panel acting alone.
- 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 Chair of the Panel's (or the clerk's) letter to the parents.
- The Panel's role is to review the Campus Principal's decision, which will involve:
  - considering if it was fair and reasonable in all the circumstances, taking into account that the Campus Principal's decision was made on the balance of probabilities;
  - considering if permanent exclusion was a proportionate sanction; and
  - deciding if reinstatement of the student would be possible (if sought), taking into account the impact of such re-instatement on other members of the Campus community (both staff and students).
- Informing 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 Campus, and to the student'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.
- 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.
- 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. In no circumstances may the school introduce new grounds for the exclusion at this stage.
- All documents are to be treated by all concerned as confidential.
- The parents may be accompanied to the hearing by one other person. The student 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 Campus Principal will be accompanied by their Lead CA.
- 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.

- A nominated member of the OSGUK Legal & Compliance Team 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.

#### **5.4.10. The Order of the Hearing**

- The order of the hearing shall be as follows:
  - The parents (and/or the student if s/he is over 18, or if all parties agree that this is appropriate) will put their case.
  - The Lead CA, speaking on behalf of the Campus Principal and the Campus community, will put their case, summarising the grounds for exclusion.
  - The Lead CA and the Campus Principal will then be asked to withdraw from the hearing in order that the parents (and the student if s/he is over 18) may speak to the Panel privately if they wish to do so.
  - The Lead CA and the Campus Principal will then be asked to rejoin the hearing and, if the parents and the student wish the Panel to take any matters raised privately into consideration in reaching its decision, such matters will be put to the Campus Principal and Lead CA by the Chair of the Panel in the presence of the parents and the student. The Chair of the Trust and the Campus Principal will be invited to comment but may request a brief adjournment to consider their response, if the Panel considers this to be appropriate.
  - The Lead CA and the Campus Principal will be asked if they wish to say anything in conclusion.
  - The parents (and the student if s/he is over 18) will be asked if they wish to say anything in conclusion.
  - The parents and student, the Lead CA and the Campus Principal will withdraw and the Panel will consider the evidence.

#### **5.4.11. The Panel's decision**

- After due consideration of all the relevant facts, the Panel will reach a decision.
- In reaching its decision, the Panel should take into account the broader interests of the other students and staff at the school as well as those of the excluded student. It will make its decision in private and this will normally be either:
  - to uphold the Campus Principal's decision; or
  - to refer the matter back to the Campus Principal for further consideration of matters that have been canvassed during the Appeal; or
  - to allow the Appeal and the student's re-instatement where practical; or
  - in circumstances where it is not practical to re-instate the student, 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.



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

## LEGISLATION/GUIDELINES

<https://www.gov.uk/government/publications/school-exclusion>

- Education Act 1996
- Education Act 2002
- Education Act 2011
- Education and Inspections Act 2006
- Equality Act 2010
- School Information (England) Regulations 2008
- Schools (Specification and Disposal of Articles) Regulations 2012
- School Standards and Framework Act 1998
- The Education (Independent School Standards) (Amended) (England) Regulations 2014
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations

## VERSION CONTROL

Policy Code	Date	Version No.	Nature of Change
QSC/59	April 2019	1.0	New Policy
QSC/59	March 2021	2.0	Policy Review, minor updates to terminology