



*Dream, Believe, Persevere, Achieve*

# Cape Cornwall School

## Student Exclusion Policy

**School Name:** Cape Cornwall School

**Consultation:** This policy is written in accordance with the DFE documents 'Behaviour and Discipline in Schools: guidance for Head of Schools and staff, January 2016. Exclusion from maintained schools, Academies and student referral units in England, September 2017.

**Dissemination:** Website and O: Drive

**Date policy approved by Governors:**

**Date policy becomes effective:** Immediately

**Review date:** July 2021

**Person responsible for Implementation and Monitoring:** Head of School.

**Links to other relevant policies:** Safeguarding, Anti-Bullying, ICT Acceptable Use, Banned Substances, Student Behaviour.

### Introduction

Cape Cornwall School has clear and high expectations for student behaviour. It is the policy of Cape Cornwall School to enforce rigorously the Student Behaviour and Anti-Bullying policies. Our behaviour expectations apply in school, when students are travelling to and from school and on all educational visits and school activities.

### We are committed to:

- Protecting the right to learn, the right to teach and the right to feel safe and be safe.
- Promoting equality and celebrating diversity.
- Listening, communicating and operating fairly and consistently.
- Encouraging openness and honesty.
- Zero tolerance of violence and aggression.

Cape Cornwall School acknowledges its legal duties under the Equality Act 2010, in respect to safeguarding and in respect to students with Special Educational Needs.

**EXCLUSION: This policy is written in accordance with the DFE document 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England'.**

#### **A. Information for parents, students and staff:**

1. Only the Head of School can exclude a student. If the Head of School is absent, a person acting with the authority of the Head of School will take responsibility for the decision to exclude.
2. Fixed Term or Permanent Exclusion will be used:
  - In response to serious breaches of the school's Behaviour policy, following the school's sanctions guidelines;
  - If allowing the student to remain in the school could seriously harm the education or welfare of the student or others in the school.
3. For repeated misbehaviour, before excluding a student, a range of alternative strategies will be considered. These may include meeting with parents/carers, detentions, internal exclusion, referral to appropriate external agencies etc.
4. A student may receive an exclusion for ongoing poor behaviour and/or a repeated failure to follow the school rules: e.g. missing detentions, refusing to act on the instructions of staff, disruption to learning, defiance, aggression or abuse of staff or students etc. In cases of continued poor behaviour, which involves less serious incidents, parents and students will receive clear warning about the possibility of fixed term exclusions unless behaviour improves. This may involve a joint meeting between parents, students and teachers. However, this is not meant to prevent immediate action to protect students and staff, including fixed term exclusions.
5. A permanent exclusion can be given for a first offence, for example involving violence, or the possession or supply of behaviour changing substances (e.g. drugs), but only when the Head of School has had opportunity for due reflection.
6. Work will be set for students during a fixed term exclusion.
7. Parents may request an interpreter from the school if required.
8. Parents/carers are expected to support the school to make sure that if an exclusion takes place, their child understands the reasons why this has been necessary.

#### **B. Types of Exclusion:**

##### **B.1 Fixed Term Exclusion**

The Head of School has the authority to exclude a student for a fixed period of time. Parents will be sent a letter explaining why the child has been excluded, how long the exclusion is for and when the child is to come back to school (with a parent/carer for a reintegration meeting prior to returning). The Head of School will not normally exclude a student from a Public Examination.

Parents/carers can make representations for the Governing Body to consider (see below). The Head of School may exclude a student for one or more fixed periods not exceeding **45 school days in any one school year**. The school will give a fixed term exclusion for the shortest time deemed necessary, bearing in mind that exclusions of more than a day or two may make it more difficult for the student to reintegrate into the school. The school will give longer exclusions where it deems it necessary in view of the following factors:

- the previous record of the student being excluded;
- the recent context of the student's behaviour within the school;
- the previous sanctions used;
- the nature of the incident(s) for which a fixed term exclusion has been given.

Exclusions may not be given for an unspecified period. In the light of new evidence, or having had time for due reflection, a fixed-term exclusion may be turned into a permanent one or increased in length.

Fixed term exclusions of over 5 days are a response to incidents of poor behaviour which are exceptionally serious in nature or repeated over a sustained period of time. From the sixth day of exclusion, the student will continue his/her education at an alternative establishment arranged by the school.

Under the conditions of the fixed term exclusion, parents are responsible for ensuring that their son/daughter is supervised in their education at home and is not present in a public place during school hours. This is in accordance with Section 104 of the Education and Inspection Act 2006. If an excluded child is present in a public place during the dates of the exclusion, the parent can be seen to have committed an offence under Section 103(3) of the aforementioned Act and could be liable to prosecution or a fixed penalty notice. The school may also exclude students from the premises during lunchtimes, for a period of up to a week.

## **B.2 Permanent Exclusion**

The Head of School may decide that an exclusion is to be permanent. The Governing Body must then consider the Head of School's decision within 15 school days. Reasons for permanent exclusion may include (but are not limited to):

- Serious actual or threatened violence against another student or a member of staff;
- Damage to school buildings/facilities or property;
- Sexual abuse, harassment or assault;
- Possession, supply or use of behaviour changing substances/drugs;
- Carrying an offensive weapon, or repeatedly bringing dangerous items or substances to school;
- Persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying);
- Persistent disruption to learning or the smooth order and operation of the school;
- Deliberate false activation or damage to fire alarms, fire prevention systems or other safety equipment puts the safety of members of the school community at risk and is a criminal offence.

These instances are not exhaustive and give a guide to the severity of offences, which may lead to permanent exclusion. Poor behaviour seriously affects the safety, learning and wellbeing of the school community.

## **C. Informing parents/carers of exclusions**

The Head of School will provide the following information, in writing, to the parents/carers of an excluded student:

- The reason(s) for the exclusion.
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent.

- Information about parents' /carers' rights to make representations about the exclusion to the Governors and how the student may be involved in this.
- Where there is a legal requirement for the Governors to meet to consider the reinstatement of a student and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) or to bring a friend.

The Head of School will also notify parents/carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents/carers of an exclusion:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' /carers' consent.

#### **D. Inclusion Room Referrals**

A student may be removed from lessons and/or break and lunchtimes, but remain in school, as an internal exclusion. This may take place with members of staff or in the Inclusion Room. Parents/carers will be informed by phone call or email. Inclusion room referrals may be made to allow time for an investigation into an incident, or included in the sanction applied in response to a student's poor behaviour.

#### **E. Drug – Related Exclusions**

The decision to exclude a student for a drug related offence will depend on the circumstances of the case and the evidence available. In any circumstance where a student's actions are likely to be seriously harmful to the education or welfare of others, the school is likely to permanently exclude. Any incident where there is reasonable evidence of supply or possession of an illegal substance in school is likely to result in a permanent exclusion.

#### **F. Behaviour outside school**

Students' behaviour outside school on school trips, when travelling to and from school, sport fixtures, or work experience placements etc. is subject to the school's Behaviour policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school and the appropriate sanctions given. For behaviour outside school, but not on school business, the Head of School may issue sanctions against a student (including exclusion) if there is a clear link between that behaviour and the need to maintain good behaviour and discipline among the

student body as a whole or if the behaviour is likely to be detrimental to the education or welfare of other students or staff.

## **G. Factors taken into consideration in a decision concerning exclusion**

### **G.1. Fixed Term Exclusion**

Exclusion may be imposed immediately if there is an immediate risk to the safety of others in the school or the student concerned. The student may be asked to work in the Inclusion room until such time as an investigation has been carried out or until the end of the day prior to exclusion. Before deciding whether to exclude a student for a fixed period, the Head of School will:

- Ensure that an appropriate investigation is carried out.
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies and, where applicable, the Equalities Act 2010 and/or the Mental Health and behaviour in schools advice 2017.
- Allow the student to give his or her version of events – this is likely to be with a member of the Pastoral Team or member of the Leadership Team, during the investigation.
- It is usual for a member of the school's Leadership Team or a member of the Pastoral Team to lead on the investigation of an incident and then report to the Head of School with a recommendation concerning the exclusion.
- If satisfied that, **on balance of probabilities**, the student did what he or she is alleged to have done, the Head of School may exclude the student. The standard of proof to be applied is the balance of probabilities. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. When investigating more serious allegations, in determining whether it is more probable than not that the student has committed the offence, the Head of School will gather and take account of a range of evidence. In some cases, this may extend to evidence of the student's past behaviour, if relevant to the seriousness of the allegation.

### **G.2. Permanent Exclusion**

Before deciding whether to exclude a student permanently, the Head of School will:

- Ensure that an appropriate investigation has been carried out.
- Consider the evidence available with respect to the allegations, taking account of the school's behaviour and equal opportunities policies and, where applicable, the Equalities Act 2010 and/or the Mental Health and behaviour in schools advice 2017.
- Allow the student to give his or her version of events. This is likely to be with a member of the Pastoral Team or member of the Leadership Team.
- A member of the school's Leadership Team will lead on the investigation of the incident and then report to the Head of School.
- If satisfied that, **on balance of probabilities**, the student did what he or she is alleged to have done, the Head of School may exclude the student. The standard of proof to be applied at all times is the balance of probabilities. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. When investigating more serious allegations, in determining whether it is distinctly more probable than not that the student has committed the offence, the Head of School will gather and take account of a range of evidence. In some cases this may extend to evidence of the student's past behaviour, if relevant to the seriousness of the allegation.

A Fixed Term Exclusion may be used prior to a decision to permanently exclude to provide time for reflection, or to consider alternatives to permanent exclusion such as alternative education provision.

### **G.3. Students with Special Educational Needs or Disabilities (SEND)**

Other than in the most exceptional circumstances, the school will endeavour to find alternatives to permanently excluding students with Education Health Care Plans (Statements). The school is committed to taking into account a child's special educational needs or disabilities when an exclusion is being considered. Where appropriate, the Head of School will seek advice from the SENDCO with regards to decisions to exclude students with SEND on a fixed term or permanent basis.

### **G.4. Children in Care**

Cape Cornwall School is committed to proactively supporting the education of Children in Care in partnership with the Local Authority and carers. As a result, the exclusion of a child in care will only take place in exceptional circumstances.

### **G.5. Young Carers**

Cape Cornwall School is committed to supporting Young Carers and their families in avoiding excluding a Young Carer. The school is committed to taking into account a child's caring responsibilities when an exclusion is being considered.

### **G.6 The Governing Body's duty to consider Permanent Exclusions**

The Chair of Governors is informed of all incidences of Fixed Term exclusion. The Governing Body receive a termly report on student behaviour including the number of exclusions and the reasons each term. With regard to permanent exclusions, the Governing Body has delegated their responsibilities relating to the consideration of a permanent exclusion decision to a Student Discipline Committee, which is made up of a minimum of three Governors. Where Governors are legally required to consider a permanent exclusion, they must consider the circumstances in which the student was excluded and have regard to the interests of other students and staff working at the school. The student may attend the Committee meeting to make a statement or answer questions if the Committee agrees. Governors must also consider representations made by parents/carers and the Head of School. Parents/carers can attend the meeting and bring a friend or adviser if they wish to. An observer from the LA may be present at the committee meeting. The Student Discipline Committee will act at all times within the terms set out in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

The Governors' Committee can either:

- uphold the Head of School's decision to permanently exclude or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practicable, the Committee must still consider whether the decision to exclude was justified.

### **G.7 Further notes**

- If a student is excluded from school for more than five school days, but not more than 15, in a single term and if requested to do so by the parents/carers, the Governors' Committee

must consider the reinstatement of the excluded student within 50 school days of receiving notice of the exclusion.

- If the exclusion is permanent, or it is a fixed term exclusion that would bring the student's total number of school days of exclusion to more than 15 in one term, or it would result in a student missing a public examination or national curriculum test, the Committee must consider the reinstatement of the excluded student within 15 school days of receiving notice of the exclusion.
- Where an exclusion would result in a student missing a public examination, there is a further requirement for Governors, so far as is reasonably practicable, to consider the exclusion before the date of the examination. If this is not practicable, the Chair of Governors, in these circumstances only, may consider the exclusion.
- The Committee has a duty to consider parents' /carers' representations about any exclusion. The specific requirements depend on a number of factors. If a fixed term exclusion does not bring a student's total number of days excluded to more than five in a term, Governors must consider any representations made but cannot direct reinstatement and are not required to arrange a meeting with parents/carers. If they wish to make representations, parents/carers should write to the Clerk of Governors at the school.
- Parents/carers have the right to see a copy of their child's school record. The minutes of the Committee meeting will record the evidence that was considered as well as the decision and will be made available to all parties on request.
- Parents/carers may attend the Committee meeting and bring a friend or adviser if they wish to. Alternatively, parents/carers may submit a written statement which should be sent to the Clerk to the Governors prior to the meeting. Parents/carers may be asked questions by the Head of School and Governors.
- Where Governors are legally required to consider an exclusion, they must notify parents/carers, the Head of School and the LA of their decision in writing and without delay. This will usually be within 2 working days of the date of the Committee meeting. The reasons for the decision should be set out in sufficient detail to enable all parties to understand why the decision was made.
- Where the Committee decides to uphold a permanent exclusion, parents/carers will be made aware of their right to ask for the decision to be reviewed by an Independent Review Panel. An application for a review must be made within 15 school days of the date when notice in writing of the decision was given. Parents/carers should also be made aware of relevant sources of free and impartial information, including specialist SEND advice, that will allow them to make an informed decision on whether, and how, to seek a review. If the Review Panel recommends it, a Governors' Committee must reconsider the exclusion.

## **H. Alternatives to exclusion**

Possible alternatives are available to exclusion which may be appropriate. Examples of alternatives to exclusion the school may use include:

- Internal exclusion in the Inclusion room.
- A Managed Move. The school may ask another school to take over the education of a student. A Managed Move will only take place with the agreement and support of parents/carers and the 'receiving' school. A Managed Move is supported by the Local Authority and is used in circumstances where the school has evidence to suggest the student is at risk of exclusion.
- Education at an Alternative Provision Academy for a period of time.

Where alternative education provision fails e.g. a student does not attend or fails to engage positively, the Head of School will consider permanent exclusion. Repeated failure at alternative provision will result in a permanent exclusion.

## **I. Re-Integration of Excluded Students**

Following a Fixed Term Exclusion, a student will be supported to re-integrate positively and support will be agreed at the reintegration meeting with the child and parents. Support may include:

- A behaviour report.
- One to one mentoring.
- A behaviour contract.
- Teaching or tutor group changes.
- Referral to external support agencies.

## **J. Conclusion**

Cape Cornwall School has high expectations and standards with regard to the conduct, safety and wellbeing of all students. The school will take appropriate action to ensure the highest standards of behaviour are maintained in accordance with this policy to ensure the school is a safe, orderly environment without disruption to the welfare and education of students.

## **Appendices**

Appendix 1A - Removing students from a school site

Appendix 1B - Police involvement and parallel criminal proceedings (Guidance from the DfE)

Appendix 1C - Staying safe in School (banned substances)

## **Reference**

Exclusion from maintained schools, Academies and student referral units in England – DfE September 2017.

Getting the simple things right: Charlie Taylor's behaviour checklists.

The Education Act 2002 (amended by the Education Act 2011).

Behaviour and discipline in schools – DfE January 2016.

Mental health and behaviours in schools – DfE November 2018.

## Appendix 1A

### Removing Students from the School Site

There are four sets of circumstances in which individual students may be required to leave the school site, namely where:

- a) There is sufficient evidence that a student has committed a disciplinary offence. In these circumstances, the student may be excluded from school for a fixed period or permanently.
- b) A student is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances, the Head of School may decide that it is in the interests of the individual concerned and of the school community as a whole for that student to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion.
- c) For medical reasons, a student's presence on the school site represents a serious risk to the health or safety of other students or school staff. In these circumstances, the Head of School may send the student home after consultation with the student's parents. This is not an exclusion and may only be done for medical reasons.
- d) The student is given permission by the Head of School or the delegated member of the Leadership Team to leave the school premises briefly to remedy breaches of the school's rules on appearance or uniform. Where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not an exclusion but an authorised absence. However, if the student continues to breach uniform rules in such a way as to be sent home to avoid school, the student's absence will be counted as unauthorised absence. In all such cases, the parent will be notified and the absence will be recorded. When making this decision, the child's age and vulnerability and the parent's availability, will be considered.

In addition, The Head of School can authorise leave of absence for a fixed period, with the parents' agreement, or, exercising powers delegated by the Governing Body under section 29(3) of the Education Act 2002, can arrange for the student to be educated elsewhere (without parental approval, although the parents should be notified). Education elsewhere must be arranged for the purposes of receiving any instruction or training included in the curriculum for the school and should not be continued for longer than is absolutely necessary. Whether the student has been granted leave of absence or is being educated elsewhere, the school must ensure that the student's full-time education continues while off site. Any such arrangements do not amount to an exclusion from school on disciplinary grounds and should be appropriately recorded and kept under periodic review involving the parents and child.

## **Appendix 1B**

### **Police involvement and parallel criminal proceedings (Guidance from the DfE)**

A school-related incident may sometimes also be the subject of a police investigation which may subsequently result in criminal proceedings. This may mean that the evidence available to the Head of School is limited. They may not, for example, be able to hear relevant witnesses or to consider relevant material; it may not be known whether a criminal charge is to be brought; if a charge has been brought, the eventual outcome of any court proceedings may be uncertain. It should be remembered that the police and the courts will be applying the criminal standard of proof (beyond reasonable doubt) whereas the Head of School applies the civil standard of proof (the balance of probabilities).

The Head of School need not postpone a decision to exclude a student simply because of the possibility that criminal proceedings may be brought in respect of the same incident. The critical factor in any such case will be the evidence that is available. In such circumstances, a decision must be made on this evidence. If, having considered the evidence, on balance of probabilities, the Head of School concludes that it is distinctly more likely that the student committed the alleged offence, he/she may proceed to take a decision on exclusion. The Head of School should apply the normal principles having regard to the school's behaviour policy, and consider whether exclusion is a proportionate response. It may be advisable, where the evidence is not clear-cut or is still coming to light, to make alternative provision, or where it is reasonable on balance of probabilities that the student committed the offence but the full circumstances and the seriousness have not yet been established, first to exclude the student for a fixed period.

### **Exclusions**

The Head of School may exclude a student where:

- a) A serious allegation has been made against the student by another student or member of staff at the school which is the subject of a police investigation which may result in criminal proceedings being brought; and
- b) Pending the conclusion of any such criminal proceedings, the student's continued presence in the school may have an adverse effect on the complainant and other potential witnesses and on the promotion of good order and discipline at the school generally.

Where the Head of School excludes a student in circumstances such as those outlined in the preceding paragraph, the school's Governing Body has no power to postpone their meeting to consider the student's exclusion beyond the statutory time limit. In deciding whether to direct the Head of School to reinstate the student, therefore, Governors may be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis, which includes applying the balance of probabilities standard of proof.

Following the Governor Review Meeting, parents will be advised of their right to review by an Independent Panel (see p8 for further details).

## Appendix 1C

### Staying Safe in School

Cape Cornwall School places a high priority on ensuring that children are safe in school and we have high expectations for the conduct of all members of our school community. We take the safety of our staff and students very seriously and for that reason, students are not permitted to bring the following items to school:

- Aerosol cans.
- Energy drinks containing caffeine such as 'Red Bull'.
- Lighters or matches.
- Fireworks including sparklers and poppers.
- Laser pens.
- Tobacco, cigarettes, e-cigarettes or any other nicotine replacement product or equipment associated with smoking.
- Knives (including penknives), razor blades, catapults or any other dangerous item.
- Alcohol.
- Illegal drugs or 'legal highs' or any item associated with the use of illegal drugs or 'legal highs'.
- Any other item that poses a risk to the safety of the school community.

The school reserves the right to search students' lockers, bags and property. This will be done with consideration for the child and in the presence of 2 adults, one of whom is a member of the Leadership Team. We will always inform parents if a student is found in possession of any item on the above list and we will always confiscate the item immediately.

Prescription medicines, painkillers and other medicines must be handed in to Reception for safe keeping during the school day.

Please note that the conduct of our students is excellent and instances of students bringing such items in to school are extremely rare. Should a student be found in possession of a banned item, the school's Behaviour policy will be used to give an appropriate sanction linked to the severity of the incident. Repeat offences will result in increasing levels of sanction and are likely to result in exclusion from school.

Confiscated items will be disposed of by the school. Where possession of the item may constitute a criminal offence, Police will be informed and the confiscated item(s) will be handed over to the Police.