



# **Pate's Grammar School Policy**

## **Policy Statement on Fixed Term and Permanent Exclusions**

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**Next Review due: January 2023**

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## 1 Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

Section 52 of the Education Act 2002, as amended by the Education Act 2011

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our funding agreement and articles of association.

## 2 The Decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

In line with DfES guidance, a decision to exclude a student should be taken only:

- a) in response to serious breaches of the school’s behaviour policy
- b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

### 3 What misbehaviour is likely to lead to Permanent Exclusion?

Permanent exclusion is the course of action that will usually follow a series of disciplinary offences and one or two suspensions/fixed term exclusions. A student in this situation and at risk of permanent exclusion will have received a range of support strategies. The parents and student will have been warned that permanent exclusion is a likely outcome from a further disciplinary offence. However, there are exceptional circumstances where it is appropriate to exclude a child permanently for a ‘one off’ offence. All examples below are based upon the government guidelines. These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well being of the school community.

The instances include:

**Serious actual or threatened violence** against another pupil or member of staff – serious violence would be considered deliberately or recklessly hitting, punching, kicking, using something as a weapon or otherwise assaulting or threatening to assault in a violent manner where first aid or medical treatment might reasonably be needed by the victim. Permanent exclusion is likely to result from one incident of this category.

**Sexual abuse or assault** – this would include all serious matters and would include inappropriate touching or suggestions of a deliberately or recklessly sexual nature. It would include any force or coercion exerted on someone to carry out or to imitate the carrying out of any form of sexual act. Sexual acts are not, in this instance limited to actual or simulated intercourse but include any and all examples of physical intimacy. This sanction would also apply to comments or other abuse directed at, for instance, the friends or family of the victim.

Permanent exclusion is likely to result from one serious incident of this category or from at least two incidents of a less serious nature but where the parents had been directly informed of the likely permanent exclusion that would follow a single repeated incident.

**Misuse of substances**—any form of substance abuse involving proscribed substances that are illegal will clearly constitute a violation of school rules. Our PDC programme addresses the issue of misuse of a range of substances and attempts to highlight the importance of a healthy life-style. We make the following distinction between the consumption or possession of drugs and the act of supplying them or otherwise facilitating their use by others:

- Anyone caught supplying drugs whilst on site, in uniform, or involved in a School/Centre activity will automatically be reported to parents and police and in all probability be permanently excluded. For the purposes of the policy we take this to include sixth formers who are using their offsite permissions to engage in nefarious activities involving the supply of illegal substances or the facilitation of their use by others.
- Anyone using drugs whilst on site, in uniform, or involved in a School/Centre activity will automatically be reported to both parents and, in all probability, police. Sanctions will be determined on a case by case basis. In the first instance a **suspension/fixed term exclusion** is likely in order for all interested parties to have time to meet. Sanctions up to and including permanent exclusion will be considered in such cases. Previous transgressions of the school's code of conduct may be taken into account in arriving at decisions, whether these be drug related or not.
- Psychoactive substances, previously known as “legal highs”:

The Psychoactive Substances Act 2016 came into effect on May 26<sup>th</sup> 2016. Under the legislation it is an offence to produce, supply, offer to supply, possess with intent to supply psychoactive substances. The offence, if found guilty, could carry a maximum prison sentence of 7 years.

A psychoactive substance is defined in the new law as a drug which is capable of affecting a person's mental functioning or emotional state excluding legitimate ones, such as food, alcohol, tobacco, nicotine, caffeine and medical products.

Pate's Grammar School deems the possession of Psychoactive Substances (previously known as “legal highs”) non-permissible on school premises for any reason.

The school also does not permit Electronic Cigarettes or “Vapes” or any other paraphernalia associated with substance misuse, such as grinders or rolling papers, to be brought into school for any reason. It will be deemed indefensible to argue that such paraphernalia is not intended to be used on school premises. Possession of these items will be dealt with in the same manner as the school deals with possession of illegal drugs. Because of the ability to use “Vapes” as delivery systems for prohibited substances such as Ecstasy the school will take the use of these, and associated variants, extremely seriously.

It is important to recognise that we wish to balance the offence with the needs of the offender and of the wider school and local communities. The school wishes to promote a strong anti-drugs message and reserves the right to permanently exclude students where it is deemed necessary.

**Carrying an offensive weapon.** In this context it is important to realise that the weapon does not have to have been used nor does use need to have been threatened. Equally, the context or circumstances can determine what is an offensive weapon and this will be

considered by the Head Master. It is clear, however, that any item would count where, although it may have other uses, a main purpose for its use is as a weapon. To illustrate this, weapons would include the following – knives, guns, clubs / sticks, poles, chains, knuckle dusters, martial arts equipment, toy weapons or any other object that the Head Master judges to be an offensive weapon. For this category, the weapon does not need to be involved in threatened or actual violence. However threats, perceived threats or actual violence using an object not usually thought of as a weapon are likely to lead to the interpretation that the object is being used as an offensive weapon. We have a zero tolerance approach to weapons.

Permanent exclusion is likely to result from one incident of this category.

**Persistent and defiant misbehaviour.** This is likely to be in an instance where teacher's reasonable instructions or requests are defied and / or where there is behaviour that is likely to lead to an undermining of the ethos of good and co-operative behaviour. The persistent nature will have meant that, for exclusion in this category, parents will have been given a clear warning as to the probable permanent exclusion if any further incidences of poor behaviour occur. It may be that no temporary exclusion has been issued but that a series of at least three examples of defiance could result in permanent exclusion. Included in this category would be incidences of rudeness to a teacher which might involve the use of inappropriate language, inappropriate body language or other incident of disrespect. These are examples of what might be deemed defiant misbehaviour under this category.

Permanent exclusion is likely to result from three or more incidents of defiant behaviour under this category.

**Bullying** (including racist or homophobic bullying) – bullying can be deliberate or based upon reckless behaviour that is reasonably likely to lead to another member of the community feeling bullied. Bullying might, for example, include comments, name calling, threats, violence or any other behaviour likely to lead to feelings of isolation, persecution or low self-esteem. This category would include bullying directed at friends or family of the victim. It may not have been possible for parents to have been given a clear warning as to the permanent exclusion because permanent exclusion is likely to result from one serious incident of this category. Where bullying of a member of the school community happens outside of school but is linked with the behaviour of a member of the student body then the school will deem this to be very serious and as behaviour to be considered as part of the exclusions framework. Where practical, parents will have received warning as to a likely permanent exclusion and, in these circumstances, any repeat incident would be likely to lead to permanent exclusion.

#### **4 Notes:**

These instances cover a student in school, to and from school, on any recognised school activity including work experience, school trips, sporting fixtures or in any circumstance where the student might be reasonably identified as a student of the school, whether or not

they might be in uniform. This could be in the evening, during the school day when a student is absent, during weekends or during school holidays. The behaviour covered in this policy would also include internet or technology related behaviour or any sort, an example might be on websites, in a 'Chat Room' or MSN bullying. The Head Master will determine whether the student or behaviour might reasonably be connected to the school either by reputation or through impact on individuals in the school community or the wider community generally at school. The behaviour may or may not be directed at another member of the school Community.

In some examples 'reckless' action is referred to and means action or words without appropriate thought or concern for the possible consequences. "It was an accident" or "I didn't mean that to be the outcome" would not prevent a permanent exclusion if it was reasonable that any of the unacceptable outcomes might have been foreseen.

Where possession is a significant issue, such as with drugs or weapons, then possession does not only mean carried on the person. It could also, for instance, mean kept or hidden on or off the school premises, in a locker, in a bag or otherwise under the control of the student concerned even if only for a short period of time.

The above incidences are only examples and other matters that the Head Master deems to be of similar importance might also trigger permanent exclusion. Where an incident or pattern of misbehaviour could fit into more than one category then that could also lead to permanent exclusion on the grounds of persistent and defiant misbehaviour even though, for instance, one incident might be related to use of an illegal drug and another might relate to swearing at a teacher.

Where there are examples of a number of students involved in an incident such as the examples listed then a reasonable effort will be made to determine blame. This is likely to involve an interview and statement from a number of relevant parties or witnesses. These interviews would be with members of staff. A group of students might be judged to be jointly responsible when members of the group colluded, encouraged or withheld information about an inappropriate incident.

The Head Master would always consult with a Governor and other senior members of staff before deciding upon a permanent exclusion. To avoid making a decision in the heat of the moment, the Head Master would normally take a little time to reflect upon the incident before deciding. Parents would be informed and this may take a few days.

## **5 The Procedure for Exclusion**

The process followed by the Head Master and the Governors Disciplinary Committee should be broadly in line with the government guidelines although the Governors Discipline Committee should not reinstate a student upon the basis of technical defect in procedure unless the process was so flawed that justice was clearly not done.