

## Exclusions and Sanctions Policy

**This policy applies to:**

**Francis Holland Regent's Park**

**Francis Holland Sloane Square**

**Francis Holland Prep**

Where there are differences between the schools these have been clearly highlighted.

Policy owner	RP: Deputy Head Pastoral SSq: Senior Deputy Head Pastoral Prep: Head
Type of policy	Regulatory; Regulation number: Part 6 24(3)(a)  Particulars of the Trust's policy on and arrangements for exclusions
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Linked Policies	Searches Policy Behaviour and Sanctions Policy Safeguarding and Child Protection Policy Learning Needs Policy

# Exclusions and Sanctions Policy

## 1.0 Aims

We are committed to following all statutory exclusions procedures to make sure that every child receives an education in a safe and caring environment. This policy contains guidelines, explaining the circumstances under which a pupil may be excluded on a fixed term basis (suspended) or required to leave permanently from a Francis Holland School.

Through this policy we aim to:

- Make sure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and pupils understand the exclusions process
- Support the School's Behaviour and Sanctions Policy, as well as the pupil code of conduct
- Make sure that pupils in school are safe and happy
- To promote co-operation between the School and parents when it is necessary for a pupil to leave earlier than expected.

## 2.0 Definitions

***Suspension or fixed term exclusion*** – when a pupil is removed from the school for a fixed period

Internal suspension or fixed term exclusion – in extenuating circumstances the Head might agree to a pupil remaining in school to serve their fixed period suspension, supervised, but not attending lessons or activities

***Permanent exclusion*** – when a pupil is removed from the school permanently and taken off the school's admissions register

***Requirement to Leave*** – the permanent removal of the pupil is required by the Head but without the stigma of permanent exclusion

***Parent/guardian*** – any person who has parental responsibility and any person who has care of the child.

## 3.0 Misconduct

The main categories of misconduct which may result in exclusion or a requirement to leave are outlined in the school's Behaviour and Sanctions policy and include, but are not limited to:

- Bullying of any kind, including child-on-child abuse and cyberbullying. The following could all constitute claims of bullying or harassment: deliberate exclusion or intimidation of a child (including virtually), racism, sexual bullying, negative remarks about appearance, health conditions or home circumstances, nationality, religion or culture, gender or sexual orientation, or Special Educational Needs and Disability (SEND).
- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco or vapes/e-cigarettes\*
- Possession, use or supply of prohibited or banned items, on school premises, on school trips or while representing the school
- Misconduct of a sexual nature (for example, supply and possession of pornography or image based sexual abuse)\*
- Possession or use of or threats to use weapons
- Theft, blackmail, physical violence
- Vandalism (including computer hacking)
- Repeated truancy

- Cheating/plagiarism in school, or public examinations or examination coursework
- Persistent attitudes or behaviour which are inconsistent with the school's ethos
- Other serious misconduct which affects the welfare of a member or members of the school community, including malicious allegations against a member of staff or a pupil, or which brings the school into disrepute (single or repeated episodes) on or off school premises or via the use of digital technologies such as Internet sites

*\*Drug related, physical violence and inappropriate sexual conduct incidents present complexities for schools. The possession, supply or taking of drugs, acts of physical violence and inappropriate sexual conduct may involve a criminal offence and so it can be expected that the School will liaise with the police as deemed necessary in incidents that fall under these categories. For drug related incidents and most cases of physical violence and inappropriate sexual conduct, the appropriate sanction will likely be permanent exclusion, but on some occasions a fixed term suspension may be more appropriate, depending on the circumstances of the case. Any such suspension in relation to drugs may be accompanied by a requirement to comply with random drugs testing at the parents'/pupil's expense.*

Any suspension or exclusion will be made on disciplinary grounds, and will not be made because:

- A pupil has ill-health
- Parents are in breach of contract due to non-payment of fees or due to their own unacceptable behaviour
- Where the Head exercises their discretion to give (at least) one term's notice under the parent contract
- Withdrawal by parents

Below is a list of grounds which might result in a pupil being asked to temporarily not attend school, being required to leave permanently or withdrawn from the School:

- A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the school, that they remain at the school
- As per our Terms and Conditions, a Head may require the removal of a child from school due to the unreasonable behaviour of one/ both parents/guardians. Please see Appendix 1 for further details
- Medical suspension – if it is deemed to be in the best interests of a child not to be in school on medical grounds, this will be seen as a medical suspension which is not logged as a disciplinary sanction, but rather as a step to protect the child or others in the School community. In such instances, it is important that medical guidance/input is provided to ensure that the child's best interests are at the fore and that disruption to education is kept to a minimum. The DSL will be consulted and involved should any pupil be asked not to be in school on medical grounds.

#### 4.0 Reasonable Adjustments

The school will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where exclusion needs to be considered, the school will ensure that a pupil with a disability or special educational needs is able to present their case fully, as determined by the school, where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

#### 5.0 Procedure

The procedure followed by the school in cases where a sanction of suspension, internal or otherwise, permanent exclusion or required removal may be imposed by the Head are summarised below:

### **5.1 Step 1: Investigation**

Investigation of a complaint or allegation about serious misconduct will normally be co-ordinated by the Deputy Head Pastoral (RP)/ Senior Deputy Head Pastoral (SSq)/ Senior Deputy Head (FHP) or a Head of Section/Head of Year in the first instance and the outcome will be reported to the Head. The Head will be kept updated at all times of any investigation by the member of staff investigating (the Investigation Officer) that is likely to result in a suspension, exclusion or withdrawal from school.

- If a pupil is interviewed formally about a complaint, arrangements will be made for her to be accompanied by a second suitable adult present. Parents will be notified at the earliest possible opportunity where a suspension, exclusion or withdrawal from school might be a likely outcome. Parents therefore, will be invited to attend the investigation meeting if they are able to. A pupil who is waiting to be interviewed may be supervised away from other students if this is deemed necessary but will be made as comfortable as possible and accompanied by a member of staff.
- A pupil may be suspended and required to stay at home or with a guardian while a complaint is being investigated; alternatively, she may be internally suspended on the school premises. If a pupil is suspended and required to stay at home, the DSL/DDSLs will be consulted as to safeguarding considerations and the pupil's welfare. In this instance a member of the Senior Leadership Team (eg the Deputy Head {Pastoral, a Senior Deputy}) would ideally meet with the parents to explain why this is necessary.
- The school may decide to search a pupil and her belongings, if the school considers there is reasonable cause to do so. For more detailed guidance, please refer to the school's 'Searches Policy'.
- An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures. Notes will be kept of all meetings and a report prepared for the Head.

### **5.2 Step 2: Managing a serious breach of discipline**

The outcome of the investigation will be reported to the Head, who will:

- Consider all the relevant facts and evidence on the balance of probabilities. This will include statements made by and / or on behalf of the pupil
- Appropriate reliance may be placed on hearsay evidence and any documents such as School Rules and work or attendance records that may be relevant to the factual basis of the complaint, but the Head will not normally refer to the pupil's disciplinary record at this investigation stage
- Involve the DSL/DDSL in the review of any behaviour incidents that may lead to an exclusion
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEND)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Unless the Head considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities
- The Head will not reach their decision until the pupil's version of events have been taken into account The Head will consult with the Chair of Governors.

In the case of repeated and/or a one-off very serious misdemeanour the Head will discuss the investigation report in full with the Investigating Officer. Following the outcome of this meeting the following sanctions may apply. A decision to impose any of the following sanctions would be made in consultation with the Investigating Officer, as well as a member of the Pastoral Team:

- Internal Suspension
- Suspension (either during an investigation process or as a sanction)
- Requirement to leave
- Exclusion

### 5.2.1 Suspension

The Head may at their discretion impose a sanction of suspension of up to one week while investigating an allegation, depending on the nature of the breach, considering the pupil's prior disciplinary record, and any other extenuating circumstances. Any such suspension will be for only as long as necessary and will not be a disciplinary sanction. The Head may also issue a suspension as a disciplinary sanction. If this occurs, the Head may take into account any suspension that took place during the investigation process when deciding the length of any disciplinary suspension.

A **disciplinary meeting** will be held, ideally in person, with the parents to inform them of the decision. If parents are unable to come into school for this, another member of staff will accompany the pupil for this meeting. Parents may submit representations in support of the pupil for the Head to consider during a disciplinary meeting but (subject to Governor Review) the Head's decision is final.

Following this, a **decision meeting** will take place with the Head, which will draw on all relevant investigation documentation and the pupil's record and individual circumstances, to decide an appropriate length of disciplinary suspension, if a suspension is warranted. Parents will be informed of this outcome, again ideally in person or if unable to attend in person they will be informed of the outcome over the phone and given as much information as possible in this circumstance. The pupils should be collected from school.

The Head, where possible, will meet with parents and the pupil on their return to school after any kind of suspension.

Information regarding sanctions is not shared publicly with staff, parents or pupils but pupils returning from any kind of suspension will be given support in their return to school to ensure that they are fully reintegrated, caught up on schoolwork and able to move on from their breach.

The Chair of Governors will be informed about all suspensions. Parents will receive a written confirmation (electronic) of any exclusion within 72 hours.

During the first 5 days of a suspension, achievable and accessible work will be set and marked for the pupil. Safeguarding checks on the pupil's welfare during this time will be made by the DSL/DDSLs.

### 5.2.2 Permanent Exclusion/Requirement to Leave

In the case of a requirement to Leave or exclusion the Head will meet with parents. The Head will consult with the Chair of Governors or their representative in all instances of Exclusion or Requirement to Leave prior to any decision being taken.

Parents will be invited to meet with the Head before the imposition of the sanction, although the pupil may be suspended pending investigation and/or this meeting. During this time, achievable and accessible work will be set and marked for the pupil. Safeguarding checks on the pupil's welfare will be made by the DSL/DDSLs. The School will endeavour to ensure that the investigation is completed as quickly as possible.

In the event of a permanent exclusion/requirement to leave, the Chair of Council will be informed of the investigation.

Documents available at the disciplinary meeting with the Head will include:

- A statement setting out the points of complaint against the pupil

- Written statements, timelines and notes of the evidence supporting the complaint, and any relevant correspondence
- The Investigation Report
- Relevant documents from the pupil's school file and any record of conduct available
- Any relevant extenuating circumstances
- The relevant school policies and procedures

Where practicable the documents will be made available to the pupil and her parents before the meeting.

#### **5.2.2.1 Disciplinary meeting in the event of an exclusion**

The pupil and her parents/guardian will be asked to attend the disciplinary meeting with the Head at which the circumstances of the complaint and the investigation will be explained. The pupil may also be accompanied by a member of staff of her choice. The pupil and her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

After this meeting the Head will review all the relevant information, consult with the Chair of Governors, as well as any other relevant members of the Leadership Team before reaching a final decision. Parents may submit representations in support of the pupil for the Head to consider during a disciplinary meeting but (subject to Governor Review) the Head's decision is final.

#### **5.2.2.2 The Sanction**

If the complaint has been proven, the Head will outline the range of disciplinary sanctions which they consider are open to them. The Head will consider any further statement which the pupil and/or others present on her behalf wish to make, considering any safeguarding needs or risks. The pupil's disciplinary record will be taken into account. Then, or at some later time within 24 hours, the Head will give their decision, with reasons. If the Head decides that the pupil must leave permanently, the Head may then, or at some later stage, consult with the parents concerning the pupil's leaving status (see below).

#### **5.2.2.3 Delayed Effect**

A decision to exclude or require a pupil to leave shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 72 hours the parents have made a written application for Governors' (Council) Review, the pupil shall remain suspended until the Review has taken place. During the period of suspension, safeguarding checks will be made on the pupil's welfare by the DSL/DSLs.

#### **5.2.2.4 Leaving Status**

If a pupil is excluded or required to leave, her leaving status will be one of the following: "excluded", "removed".

A parent may withdraw their child from the school, subject to the normal terms and condition of contract, prior to the final outcome meeting.

Additional points of leaving status may include:

- The form of letter which will be written to the parents and the form of announcement in the School that the pupil has left
- The form of reference which will be supplied for the pupil
- The entry which will be made on the school record and the pupil's status as a leaver

- Arrangements for transfer of any course and project work to the pupil, her parents, or another school
- Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations
- Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil
- Whether the pupil will be entitled to leavers' privileges
- Whether the pupil will be eligible for membership of the Association of Quondam or the Old Girls' Society and if so from what date
- The conditions under which the pupil may re-enter school premises in the future
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees

In the case of exclusion and requirement to leave, all outstanding fees up to and including the term of the sanction shall be payable but parents will not be required to pay a term's fees in lieu of notice. Provided all outstanding fees are paid, the School will make efforts to assist in placing the pupil in a new school. However, any reference will necessarily include the reasons for a pupil's departure from the Trust.

## 6.0 Governors' Review Process

Please see Appendix 2 for how parents or pupils may make a request to Governors for a review of the most serious disciplinary sanctions.

## 7.0 Complaints

Please see the Complaints from Parents of Pupils Policy for complaints procedures.

## 8.0 Reintegration

Following any type of suspension, or a cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

- Maintaining regular contact during the suspension and welcoming the pupil back to school
- Regular contact in school with a designated pastoral professional
- Reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. Parents and/or the pupil are welcome and encouraged to contribute towards the reintegration discussion, but the strategy remains at the school's sole discretion.

## 9.0 Monitoring arrangements

The School will collect data on the following:

- Attendance, permanent exclusions, requirements for removal and suspensions

The data will be analysed termly at every safeguarding sub-committee. The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the Deputy Heads Pastoral every year. At every review, the policy will be approved by the Education Committee.



## **Appendix 1: Parental behaviour**

Parents should note the following non-exhaustive list of the sorts of unacceptable parental behaviour that could merit the removal of a pupil on the grounds of unreasonable parental behaviour includes the following:

- treating the school or a member of staff unreasonably
- making a malicious allegation about a member of staff or the School
- communicating with the school, in person, or in writing (directly or indirectly), in a manner which is deemed voluminous, and or relentless, and or confrontational, and or unreasonable, and or overly aggressive
- refusing to meet with members of the Senior Leadership Team to discuss school or pupil matters
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the school community
- behaving in a manner which brings (or is likely to bring) the school into disrepute
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) a pupil's progress at the school
- breaching the Trust's Terms and Conditions (Parent Contract)

The Francis Holland Schools Trust reserves the right to impose sanctions for parental behaviour, falling short of removal, including but not limited to placing restrictions on a parent's access to the school and school events, communications with the school and or the imposition of a warning (up to and including a final written warning). All parents are sent a copy of the Francis Holland Schools Parent Collaboration – Guiding Principles when they join a school. This is also available in the Parent/Help Guides on My School Portal for all three schools.

Though the school is mindful of the disruption that such a parental sanction could cause to the parent or parents' child, the health and wellbeing of the school's pupils and staff will always take precedence.

## Appendix 2: Review by the Governors

**1. Request for review:** A pupil or her parents may request a Review by the Governors of the Head's decision to Exclude or Require the Removal of a pupil, or where a decision has been made to suspend a pupil for eleven School days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at Appendix 3 and received by the Clerk to the Governors within seven days of the Head's decision being notified to the parents, or longer by agreement. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made. If a pupil wishes to request a Review, they do not need to obtain their Parents' consent, but the school and Governors recommend it, to ensure the pupil has appropriate support.

**2. Grounds for review:** In their application, the parents or pupil must state the grounds on which they are asking for a Review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.

**3. Review Panel:** The Review will be undertaken by a three-member sub-committee of the Council of Governors (the Panel). The Panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not include the Chair of Governors. With the exception of the Chair of Governors, those members of the Council of Governors not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the names of the Panel members. Fair consideration will be given to any bona fide objection to a particular member of the Panel. The Panel may, if requested by the parents, include an independent member who has no connection with the management or running of the School. If a pupil has submitted the request for a Review, they can ask a member of school staff to accompany them to the hearing, as support.

**4. Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to her with recommendations so that she may consider the matter further.

**5. Review meeting:** The meeting will take place at the School premises, normally within ten School days after the parents' or pupil's application has been received. A Review will not normally take place during School holidays. The Parents or pupil and the Head will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Head before her decision was made, the Clerk should contact the Chair of Governors of Governors who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Review; or
- to make further enquiries of the parents or the pupil about the information; or
- to refer the information to the Head for her consideration as to whether the decision should be revisited.

A Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

**6. Attendance:** Those present at the Review meeting will normally be:

- members of the Panel and the Clerk to the Governors
- the Head and any relevant member of staff whom the pupil or her parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome
- the pupil together with her parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary and will not be permitted. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that

the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

**7. Conduct of meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The meeting will not be recorded but the Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his / her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

**8. Procedure:** The Head will provide the parents with a copy of the current Review procedure if requested. In summary, the Panel will consider each of the points raised by the pupil or her parents and any documentation they wish to rely on so far as relevant to: (i) whether the decision was fair procedurally and / or substantively - whether the facts of the case were sufficiently proved when the decision was taken to Exclude or Remove the pupil. The civil standard of proof, namely, "the balance of probability", will apply; and (ii) whether the sanction was proportionate - whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect. The requirements of natural justice will apply. If for any reason the pupil or her parents are dissatisfied with any aspect of the meeting, they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

**9. Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its findings and any recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Panel within three days of the meeting. The Head will provide her response to those recommendations, if appropriate, in writing within three days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

### Appendix 3: Form for requesting a Review

To The Clerk to the Governors

Subject [Name of pupil]

I/we request that a sub-committee (Panel) of the Council of Governors carries out a Review of the Head's decision to Expel or Remove the above-named pupil [or to suspend them for more than 11 School days/suspend them meaning they will miss a public examination]. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential subject to law and that the Head's decision following consideration of the recommendations made by the Panel will be final, subject to such legal rights (if any) as may exist.

I/we confirm that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

[For pupils: I have discussed the disciplinary sanction with my parent/parents/guardian prior to submission of the request for Review].

I/we understand that the Panel will be concerned with the fairness and proportionality of the Head's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/we understand that we may be accompanied at the Review meeting by a friend or relation and that I/we may ask up to two members of the School staff to attend the meeting and speak on behalf of the pupil if they are willing to do so. If I/we wish to bring a friend or relation who is legally qualified I/we will provide seven days' notice as required.

[For pupils: I would like to be accompanied to the Review meeting by a member of school staff].

I/we will inform the Clerk if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the matters which I/we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number