



## Whole School Exclusions Policy and Procedures

### Policy Statement:

At Cranford School, our community is based upon mutual respect, good manners and fairness. We are committed to providing a happy, safe and caring environment that is free from disruption, violence and any form of harassment so that every one of our pupils can develop to his or her full potential. We expect our pupils to treat members of staff with courtesy and co-operation and vice versa, so that teaching and learning take place in a relaxed but orderly atmosphere. All pupils should care for and support each other and be encouraged to adopt the highest standards of behaviour, principles and moral standards.

These aims and the broader policy adhere to the DfE Guidance on Behaviour and Attendance and in particular *'Behaviour and Discipline in Schools'* (January 2016) and the Departmental advice: *'The Equality Act 2010 and Schools'* (May 2014). The DfE regulations provide the Headmaster and staff with the power to discipline pupils for their behaviour in school and, in some circumstance, outside of school. This includes the power to impose detention outside school hours and to confiscate pupils' property.

The following document must be read in the knowledge that reasonable adjustments will be made for pupils with SEN or disabilities, according to the Equality Act 2010, and the SEN Code of Practice May 2014, the nature of the SEN or the disability will determine the adjustments. For more detail on these areas please refer to the **'Whole School Special Educational Needs and Disability (SEND) Policy'** and the School's SENCo. In line with Government legislation, neither corporal punishment, the threat of corporal punishment, nor any punishment that may adversely affect a child's well-being, is used at Cranford School. The policy is written with due regard to the duty of proprietors, under section 7 of the Education (Independent Schools Standards) Regulations (ISSRs) to ensure that arrangements are made to safeguard and promote the welfare of pupils.

This policy should be read in conjunction with the following related documents:

- **'Whole School Behaviour Policy and Procedures Including Rewards and Sanctions'**
- **'Whole School Physical Intervention (Restraint) Policy'**
- **The School's 'Parent Contract Terms and Conditions' documentation**
- **'Whole School Safeguarding and Child Protection Policy'**
- **'Whole School Safeguarding and Child Protection Procedures'**
- **'Whole School Anti-Bullying Policy and Procedures'**
- **'Whole School Child-on-Child Abuse Policy'**
- **'Pupil Sanctions Record Policy'**

- **‘Whole School Special Educational Needs and Disability (SEND) Policy’**
- **‘Whole School Equal Opportunities Policy for Pupils’**
- **‘Staff Code of Conduct’**
- **‘Reasonable Adjustments for Pupils’**
- **‘Drugs Policy’**
- **‘Alcohol and tobacco Policy’**
- **‘Whole School Anti-Violence Policy’**
- **‘Whole School Search and Confiscation Policy and Procedures’**
- **‘Whole School Policy for Pupils’ Use of IT, Smartphones and other Digital Devices’**

#### Reasons for Exclusion:

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

- a. A fixed period of time (‘fixed period exclusion’); or
- b. Permanently, whereby the pupil will not be permitted to return to School (‘permanent exclusion’).

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

- a. Where there has been a serious breach, or serious breaches, of the School’s **‘Whole School Behaviour Policy and Procedures Including Rewards and Sanctions’** and/or any related policies such as **Codes of Conduct** (including those set out in the **‘Whole School Outings and Trips Procedures’**), **‘Whole School Anti-Bullying Policy and Procedures’**, **‘Whole School Child-on-Child Abuse Policy’**, **‘IT Code of Conduct for Pupils’**, **‘Alcohol and Tobacco Policy’** and/or **‘Drugs Policy’**; or
- b. Where there has been a build-up of incidents over time, which, in the professional judgement of the Headmaster, constitutes a concerted flouting of the School’s rules and regulations. Whilst generally exclusion is not an appropriate sanction for minor incidents, in such cases of repeated breach, a fixed period exclusion may be given, and any subsequent failure to abide by the School’s rules and regulations could give rise to permanent exclusion; or
- c. If allowing the pupil to remain in School will seriously harm the education or welfare of other pupils in the School or the welfare of staff.

N.B: The following cases do not fall within the **‘Whole School Exclusions Policy and Procedures’**:

- I. Where the Headmaster gives contractual notice in accordance with the Cranford School **‘Parent Contract Terms and Conditions’** document.
- II. Where parents are in breach of contract for non-payment of fees, or due to unacceptable behaviour on their part.

Such cases will lead to a required withdrawal of the pupil and are determined in accordance with the Terms and Conditions. Please refer to the School’s **‘Parent Contract Terms and Conditions’** for details.

Immediate action may need to be taken to protect pupils and staff and a pupil may be permanently excluded for a first offence, particularly if it involves violence or another criminal offence. Following any essential immediate action all due procedures must be observed. Further guidance on exclusions for particular reasons is set out below:

a. **Drug-Related Exclusion:**

- Drug-related incidents present complex problems for Schools. The possession, supply, or taking of drugs may involve a criminal offence; effective liaison with the Police will help in the appropriate handling of such incidents. (See the School's **'Drugs Policy'** for more details).
- In the majority of cases, permanent exclusion will be the appropriate course, but on some occasions, fixed period exclusion may be more appropriate given the circumstances of the case. Any such fixed period exclusion may be accompanied by a requirement to comply with subsequent random drugs testing at the pupil's/parents' expense.

b. **Offensive Weapons:**

It is a criminal offence to carry an offensive weapon in or around School's premises, and in the majority of cases, permanent exclusion will be the most appropriate course of action.

c. **Sexual Violence and Sexual Harassment:**

Cranford School has a culture of 'zero tolerance' of any sexual misconduct. Staff are made aware of the importance of:

- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- Not tolerating or dismissing sexual violence or sexual harassment as 'banter', 'part of growing up', 'just having a laugh, or 'boys being boys'; and
- Challenging behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, upskirting, flicking bras and lifting up skirts.

Reporting to the Police will generally be in parallel with referrals to Children's Social Care. See the School's **'Whole School Safeguarding and Child Protection Policy'**, **'Peer-on-Peer Abuse Policy'** and **'Whole School Safeguarding and Child Protection Procedures'** for more details.

**Procedures for Exclusion Cases:**

**I. Investigation:**

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

- a. Where relevant, speak to other members of staff and/or pupils;
- b. Co-operate with a Police investigation if it is suspected that a criminal offence has been committed; and
- c. Interview the pupil:
  - in the presence of another member of staff;
  - in the presence of the pupil's parents, if they wish.

Detailed written reports of all stages of the investigation must be retained by the Headmaster.

## **2. Fixed Period Exclusions:**

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

- a. Ensure that the parents have received notice of the exclusion, if possible, by telephone or in person, before it takes effect;
- b. Ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues, or that clear arrangements are in place in the exceptional circumstance that a pupil's exclusion is conducted within School premises.
- c. Write to the parents with details including:
  - The length of the exclusion;
  - The reason for it; and
  - The likely consequence of any further misconduct (including permanent exclusion).
- d. Inform the Chair of Governors.

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

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

The Headmaster may, in exceptional circumstances and with the consent of the Chair of Governors, exclude a pupil for a longer period, up to a maximum of 7 school days.

## **3. Permanent Exclusions:**

Where the Headmaster considers that the permanent exclusion of a pupil may be warranted in the circumstances, he will conduct an investigation in accordance with part 1 of the procedures. In most cases, it will be appropriate to exclude the pupil for a period not exceeding 5 school days whilst the investigation is conducted.

Where the Headmaster is to/has exclude(ed) a pupil in order to investigate, he must:

- a. Obtain the consent of the Chair of Governors prior to the exclusion taking effect. This consent should be confirmed in writing in due course;
- b. Ensure that the pupil's parents have been notified of the exclusion, if possible, by telephone or in person, before it takes effect;
- c. Ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues;
- d. Write to the pupil's parents stating that the pupil has been excluded in order to conduct an investigation.

If the Headmaster considers that the investigation cannot be completed within the period of the initial exclusion, he may extend the exclusion by no more than a further period of 10 school days. The Headmaster must repeat the steps above including a further notification to parents.

Where School activities occur within the exclusion period (including outside normal school hours) the pupil should not normally take part in such activities. Appropriate work should be given from

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

After completion of the investigation, the Headmaster will:

- a. Discuss his conclusions and recommendation with the Chair of Governors and agree a way forward; and
- b. Meet with the pupil's parents to discuss the outcome of the investigation.

After meeting the pupil's parents, the Headmaster will send a confidential written report and recommendation to the Chair of Governors.

The Headmaster's recommendation will be either to:

- a. Allow the pupil to return to the School immediately if, following investigation, the pupil is deemed not to have behaved inappropriately;
- b. Allow the pupil to return to the School immediately with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately;
- c. Allow the pupil to return to the School on a specified date (where possible, this should not be more than 15 School days after the start of the fixed period exclusion), with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion; or
- d. Exclude the pupil from the School permanently if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants permanent exclusion.

The Chair of Governors will respond to the Headmaster confirming their own recommended action, within 24 hours of receipt of the Headmaster's report. If the Chair of Governors does not agree with the Headmaster's recommendation, the matter will be discussed further with a view to reaching a resolution.

Once the appropriate course of action has been agreed between the Headmaster and the Chair of Governors:

- a. the Headmaster will:
  - Inform the parents immediately, by telephone or in person if possible, of the result of the investigation and of the decision;
  - Confirm the decision in writing to the parents; and
  - Offer the opportunity to discuss the outcome, either on the telephone or in person.
- b. If the decision is that the pupil should be excluded permanently, the Headmaster 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 pupil is removed from the School roll if no alternative arrangements have been made for the pupil's education and s/he is below the statutory school leaving age.

(The pupil will not be removed from the School roll until the appeal process has been concluded or the time limit for the appeal has expired or the parents have confirmed that they will not appeal).

- c. Where the pupil is to return to the School, the Headmaster should consider appropriate re-integration and monitoring measures. These should be discussed with the parents and pupil and should be confirmed in writing. It is vital that any proposed support and/or follow-up actions are conducted, and their effect monitored by relevant staff.

In situations where another pupil or member of staff has suffered as a result of the excluded pupil's action, the Headmaster should also ensure that there are suitable support mechanisms in place to assist them in dealing with the pupil's re-integration.

### **The Appeal Procedure:**

#### **Right of Appeal:**

- a. Parents who wish to appeal against a decision permanently to exclude a pupil must lodge their appeal, in writing, clearly setting out the grounds on which they wish to appeal, with the Chair of Governors, at the School address, within 14 days of the date of the Headmaster'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 Chair of Governors, exceptional circumstances exist which justify the display.
- b. Where two or more pupils are alleged to have been involved in the same incident or linked incidents and these pupils have been permanently excluded as a consequence of the incident(s), each case should, in the interests of fairness be heard by the same Panel.

#### **Prior to the Hearing:**

- a. On receipt of the notice of appeal from the parents, the Chair of Governors will immediately schedule a hearing 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 School, but in cases where it is not appropriate for this to happen, arrangements can be made to secure a venue off-site.
- b. Where the parents' notice of appeal is received immediately prior to, or during the School's holiday period, the Chair of Governors will progress matters as swiftly as reasonably practicable and will notify parents of any delay.
- c. The Chair of Governors will write to the parents to ask them 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.
- d. The Headmaster is required to provide a statement to be included in the combined bundle of documents, which should cover the following areas:
  - The pupil's age and school year;
  - A summary of the pupil's academic and behavioural record where relevant;
  - All steps taken by the School in relation to any previous exclusion; and
  - The details of work set or relevant study guidance given during the exclusion period.

- e. All concerned should have the same set of documents before them for the hearing. The clerk of Panel will, at least 5 days prior to the hearing, circulate a copy of the combined bundle of documents to the parents, Headmaster, Chair of Governors and the Panel. Only in exceptional circumstances will documents be allowed to be submitted for the hearing after this time. (see point 'f' below).
- f. 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 the School address.

### **Conduct of the Hearing:**

- a. Prior to the hearing, decisions relating to procedure may be dealt with by the Chair of the Panel acting alone.
- b. The hearing is not a court of law, and the conduct of the hearing shall be at the Panel's discretion which will be based on fairness and informality but should not normally differ substantially from the procedure outlined in the Chair of the Panel's (or the clerk's) letter to the parents.
- c. The Panel's role is to review the Headmaster's decision, which will involve:
  - Considering if it was fair and reasonable in all circumstances, taking into account that the Headmaster's decision was made on the balance of probabilities.
  - Considering if permanent exclusion was a proportionate sanction; and
  - Deciding if reinstatement of the pupil would be possible (if sought), taking into account the impact of such reinstatement on other members of the School community (both staff and pupils).
- d. In forming its view, the Panel must ensure that each party is given equal opportunity to put its case fully, and that it gives sufficient consideration both to the procedures followed and reasoning employed by the School, and to the pupil's explanation of his/her behaviour. It must take a fair and impartial view and ask as many questions as necessary to elicit all relevant information to enable it to form a balanced view.
- e. The Panel may refuse to consider matters of which written notice has not been given if they consider doing so would be prejudicial to a fair and effective consideration of the appeal.
- f. Additional material may not be generally submitted at the hearing unless the Panel considers that the absence of such material would prejudice the other party's case. Under no circumstances may the School introduce new grounds for exclusion at this stage.
- g. All documents are to be treated by all concerned as confidential.
- h. The parents may be accompanied to the hearing by one other person. The pupil may also be accompanied if required. The accompanying person may be a relative or a friend. It is not appropriate for the parents to have a legal representative at the hearing. The Headmaster will be accompanied by the Chair of Governors.
- i. Either party may request that witnesses be present. The Panel does not however have the power to compel the attendance of any witness to the hearing and it may be more appropriate for witness evidence to be put forward in the form of a witness statement.
- j. A scribe will normally attend to take note of the proceedings.

### **The Order of the Hearing:**

- a. The order of the hearing shall be as follows:

- I. The parents will put their case.
- II. The Chair of Governors, speaking on behalf of the Headmaster and the School community, will put their case, summarising the grounds for exclusion.
- III. The Chair of Governors and the Headmaster will then be asked to withdraw from the hearing in order that the parents may speak to the Panel privately if they wish to do so.
- IV. The Chair of Governors and the Headmaster will be asked to re-join the hearing and, if the parents and the pupil wish the Panel to take any matters raised privately into consideration in reaching its decision, such matters will be put to the Headmaster and the Chair of Governors by the Chair of the Panel in the presence of the parents and the pupil.  
The Chair of Governors and the Headmaster will be invited to comment but may request a brief adjournment to consider their response, if the Panel considers this to be appropriate.
- V. The Chair of Governors and the Headmaster will be asked if they wish to say anything in conclusion.
- VI. The parents will be asked if they wish to say anything in conclusion.
- VII. The parents and pupil, the Chair of Governors and the Headmaster will withdraw, and the Panel will consider the evidence.

N.B: The respective parties and the Panel will be able to ask questions through the Chair of the Panel after any of the above.

#### **The Panel's Decision:**

- a. After due consideration of all the relevant fact, the Panel will reach a decision.
- b. In reaching its decision, the Panel should take into account the broader interests of other pupils and staff at the School as well as those of the excluded pupil. It will make its decision in private, and this will normally be either:
  - To uphold the Headmaster's decision; or
  - To refer the matter back to the Headmaster for further consideration of matters that have been canvassed during the appeal; or
  - To allow the appeal and the pupil's re-instatement where practical; or
  - In circumstances where it is not practical to re-instate the pupil, to allow the appeal and make a statement to the effect that re-instatement would have been appropriate but for the specific circumstances of the case.
- c. All parties will be notified of the Panel's decision, in writing, accompanied by an explanation, no later than the end of the second school day after the hearing or within 48 hours if the hearing occurs outside the School term.
- d. In the case of an appeal being allowed, the Panel should ensure that the date of the pupil's return to the School is agreed with the Headmaster (prior to notification of the date to the parent) in order to ensure that the Headmaster has sufficient time to arrange for the pupil's re-integration.
- e. Parents can be assured that correspondence, statements and records relating to the appeal will be kept confidential except where disclosure is required in the course of the School's inspection by the relevant regulatory authorities or where any other legal obligation prevails.

#### **In Cases Where the Pupil's Parents' Behaviour is Unacceptable:**



Although not covered by the **'Whole School Exclusions Policy and Procedures'** and the Exclusions Appeal Process, Cranford School advises parents of the following:

- If the behaviour of either or both of a pupil's parents is, in the Headmaster's opinion, unreasonable and is adversely affecting, or is likely to adversely affect the pupil, other pupils, parents or staff at the School, or is bringing the School into disrepute, or the relationship of trust and confidence between the parents and the School has, in the opinion of the Headmaster, irreparably broken down, the Chair of Governors may require a parent to withdraw the pupil without notice, either for a set period or permanently. (This includes the type of behaviour which is detailed in the **'Whole School Anti-Violence Policy'**).
- In the event of such required withdrawal, parents will be permitted a reasonable opportunity (determined by the Headmaster) to make written representations to the Headmaster, and, if parents wish, to the Chair of Governors, before the length or permanence of the withdrawal confirmed. The decision of the Headmaster or Chair of Governors (if the latter is involved by parents) will be final.
- In cases of set period withdrawal, the School will, wherever possible, provide the pupil with work or study guidance to enable him/her to pursue his/her studies at home, including, where appropriate, marking of work.
- Permanent withdrawal in such cases will only be appropriate in exceptional circumstances. The implications must be carefully considered with the Chair of Governors before any final decision is made.

The School has the right to deviate from its policies as it sees fit.

- Reviewed: March 2018: Headmaster and Governors
- Reviewed: March 2019: Headmaster and Governors
- Reviewed: March 2020: Headmaster and Governors
- Reviewed: March 2021: Headmaster and Governors
- Reviewed: May 2022: Headmaster and Governors
- Reviewed: May 2023: Headmaster, Senior Deputy Head (DSL) and Governors
- Reviewed: March 2024 by Headmaster, Deputy Head and Governors
- Review Due: March 2025 by Headmaster, Deputy Head and Governors