

Exclusion Policy

This policy deals with the policy and practice which informs the School's use of exclusion. It should be read together with the statutory guidance Exclusion from maintained schools, Academies and pupil referral units in England (DfE 2015), referred to in this policy as the Guidance. It is underpinned by the shared commitment of all members of the School community to achieve two important aims:

1. The first is to ensure the safety and well-being of all members of the School community and to maintain an appropriate educational environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:-

- (a) In response to a serious or persistent breaches of the School's Pupil Behaviour Policy;
- (b) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

Exclusion is an extreme sanction and is only administered by the Executive Principal (or, in the absence of the Principal, the Assistant Head who is acting in that role). Exclusion must be on disciplinary grounds.

Exclusion, whether fixed term or permanent, may be used in the following examples, all of which constitute examples of unacceptable conduct, and are infringements of the School's Pupil Behaviour Policy. This list is not exhaustive and there may be other serious or persistent breaches that would lead to exclusion

- Actions which put the pupil or others in danger.
- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.

- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the student's behaviour.

Other persistent breaches of the Academy's Behaviour Policy.

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

Exclusion Procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The DfE regulations state that exclusion can either be a fixed term exclusion including a set number of days that are not continuous, or a permanent exclusion. Fixed term exclusions cannot exceed 45 school days in any one academic year. Lunchtime exclusions may be imposed and are counted as half a school day. The limit of 45 days applies to the pupil and not the school.
- The Governing Body have established arrangements to review promptly (within 15 days) all permanent exclusions from the Academy and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination. Fixed term exclusions for more than 5 days but not than 15 (in total for the term) will be considered by the Governing Body within 50 school days where requested by the parents. If the exclusion is for less than 5 days (total for the term) the governing Body must consider any representations made by parents but cannot overturn the Principals decision to exclude. Where the pupil may be sitting an examination or test the Governing Body will consider the exclusion before the test (by the Chair alone if necessary).

Fixed period exclusions are spilt, procedurally, into:

Fixed period exclusions of 5 days and under;

It is the responsibility of the school to set and mark work for exclusions of five days or under. The work should be accessible and achievable by pupils outside of school. It is the responsibility of the parent/carer to ensure work sent home is completed and returned to school. The parent has particular responsibility to ensure that the student is not present in a public place during school hours without justification, and may be prosecuted or given a fixed penalty notice if they fail to do so.

Fixed period exclusions more than 5 days

When a school imposes a fixed term exclusion of over six days it is the responsibility of the school to ensure that the appropriate full time provision is made off site for the excluded student and to set and mark work for the days prior to the 6th day. While this provision must be made from day six onwards statutory guidance stresses the obvious

benefit in starting it as soon as possible. In particular, in the case of a Looked After Child, schools and Local authorities should work together to arrange alternative provision from the first day following the exclusion.

Permanent Exclusions

When a student is permanently excluded, it is the responsibility of the school to set and mark work for the first five days. From the sixth day onward it is the responsibility of the local authority to make a full time provision. Where a pupil has a statement of SEN, an appropriate full time placement should be identified in consultation between the local authority and the parents, who retain their rights to express a preference for a school they wish their child to attend, or make representations for a placement in any other school.

A pupil cannot be excluded for an indefinite period (e.g. until a meeting can be arranged) as no legal authority exists for this.

Parents should also not be asked to keep their child at home voluntarily.

- Following exclusion parents are contacted immediately where possible.
- Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.
- It is School practice to place the pupil on report usually for one week to monitor behaviour and work. If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the School, student and parents.
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. Decisions to permanently exclude will be taken following the provisions of the *Guidance* (particularly paragraphs 1 to 24). There are two main types of situation in which permanent exclusion may be considered. Neither type is exclusive and in all cases the history and background to the behaviour will be taken into account.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been

exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).

2. The second is where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon including a pen knife *.
- Arson.
- The Academy will consider police involvement for any of the above offences.

** Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the Academy.

General factors the Academy considers before making a decision to exclude:

The Principal broadly considers the following procedure.

- 1) First warning - inform parents/caregivers via contact book.
- 2) Second warning - call parents/caregivers to a meeting.
- 3) Third warning - contact parents - impose 1 day (or part) exclusion.
- 4) Fourth warning - contact parents - meeting with parents, 4 day exclusion.
- 5) Fifth warning - contact parents - meeting with parents and management meeting to discuss exclusion.

Depending on the severity of the offence, the procedure will begin at the appropriate point.

- Before deciding whether to exclude a student either permanently or for a fixed period the Principal will:
- Whilst an exclusion may still be an appropriate sanction, the Principal will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Head teachers should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such

assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems

- Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, Principals should consider whether exclusion is providing an effective sanction. .
- There are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with statements of special educational needs (SEN) and looked after children. The Principal should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a looked after child.
- Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to Looked After children, schools should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.
- Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has a statement of SEN, schools should consider requesting an early annual review or interim/emergency review.
- Allow the student to give her/his version of events.

If the Principal is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

Exercise of discretion

In reaching a decision on temporary or permanent exclusion, the Principal will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Senior Leadership Team when it meets to consider the Principal's decision to exclude. This Committee will require the Principal to explain the reasons for the decision and will look at appropriate evidence, such as the student's School record, witness statements and the strategies used by the School to support the student prior to exclusion.

Alternatives to Exclusion

Alternative strategies to exclusion are always used if possible however, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Principal's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

Behaviour Outside School

Pupils' behaviour outside School on school business, for example, school trips and journeys, travelling to and from school, away school sports fixtures or a work experience placement is subject to the Student Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in School. For behaviour outside School but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If pupils' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for exclusion then the Principal may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Principal will have regard to the School's published policy on drugs and will also seek advice from the LEA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion may be more appropriate than permanent exclusion. The Principal will make a judgment set against the criteria in the school's Drugs Policy.