

# EXCLUSION POLICY

## Rationale

This policy deals with the policy and practice which informs the Academy's use of exclusion. 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 Academy 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 student will be taken in the following circumstances:-

- a. In response to a serious breach of the Academy's Behaviour Policy.
- b. If allowing the student to remain in our Academy would seriously harm the education or welfare of the student or others in the Academy.
- c. The Academy's duty to others in the building in preventing damage to other students and staff and, under the health and safety legislation, preventing an unsafe working environment to exist.

Exclusion is an extreme sanction and is only administered by the Principal (or, in the absence of the Principal, the Vice-Principal who is acting in that role). Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Academy's Behaviour Policy:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse threatening behaviour against a pupil
- Verbal abuse threatening behaviour against adult
- Bullying
- Racist/Equality abuse
- Sexual misconduct
- Drug and alcohol related
- Misuse of ICT and social network sites
- Damage
- Theft
- Persistent disruptive behaviour
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the student's behaviour.

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

## Exclusion procedure

***The decision to exclude a student will be lawful, reasonable and fair. The Academy will not discriminate against students on the basis of protected characteristics, such as disability or race. The Academy will give consideration to the fair treatment of students from groups who are vulnerable to exclusion.***

- The DFE September 2012 regulations allow the Headteacher to exclude a student, as a sanction where it is warranted, for one or more fixed periods not exceeding 45 school days in any one school year.
- A fixed term exclusion will usually take the form of an “internal” exclusion, with the student being excluded into the Inclusion Unit. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the student being required to remain at home.
- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The Principal may take into account any contributing factors that are identified after an incident of poor behaviour has occurred e.g. where a student has suffered from a bereavement, mental health issues or subject to provocation.
- Following exclusion parents are contacted immediately where possible. A letter will be sent by post and in some circumstances with the student, giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter.
- During the course of a fixed term exclusion the student must not be present in a public place during school hours unless there is a good reason. It is the responsibility of the parent/carer to provide daytime care and supervision for their child. If a student is seen in a public place then the Academy may issue a fixed penalty notice or prosecute the parent/carer.
- The Academy will take reasonable steps to set and mark work for students during the first 5 days of an exclusion. Alternative provision will be arranged from the 6<sup>th</sup> day at Step Out Centres or Cathedral Academy for Performing Arts.
- A “return to Academy” meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team, the Year Progress Leader, the Behaviour Manager and any other staff where appropriate.
- It is school practice to place the student on report to the BLG team usually for one week to monitor their 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 also be drawn up by the Year Progress Leader. This needs to be agreed with the Academy, student and parents. Time in the Academy’s Inclusion Unit is also used as a means to reintegrate a student who has served an external exclusion.
- The Principal may withdraw an exclusion that has not been reviewed by the Governing Body.
- The Governors have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

- The Governors have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination. (In relation to procedural matters pertaining to the composition and operation of the Governors' Disciplinary Panel, the Governing Body has agreed to adopt the procedural guidelines as described in the DFE September 2012 document).

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one and should only be taken:

- In response to a serious breach, or persistent breaches of the Academy Behaviour Policy.
- Where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others.

There are two main types of situation in which permanent exclusion may be considered:

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) or repeated possession and/or use of an illegal drug on Academy premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and 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 student or a member of staff.
  - Sexual abuse or assault on a student or member of staff.
  - Supplying or using an illegal drug.
  - Carrying, threatening to use or actual use of an offensive weapon \*.
  - Arson, or threats of arson.

\* 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."

The school will consider police involvement for any of the above offences. 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. Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

### **General factors the Academy considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy, or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Principal will:

- Ensure appropriate investigations have been carried out.

- Consider all the evidence available to support the allegations taking into account the Behaviour Management, Equal Opportunity, Health & Safety, and Race Equality Policies.
- Allow the student to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

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

### **Exercise of discretion**

In reaching a decision, 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 considering whether exclusion is the most appropriate sanction, the Principal will consider:

- a) The gravity of the incident, or series of incidents, and whether it constitutes a breach of the Academy's Behaviour Policy.
- b) The effect that the student remaining in the Academy would have on the education and welfare of other students and staff.

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

### **Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Behaviour Policy. The Academy works closely with the Wakefield LA, through the Fair Access Panel meetings with other secondary schools, to undertake managed moves, where such a course of action would be of benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school or Academy.

### **Lunchtime Exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the Academy premises for the duration of the lunchtime period. This will be treated as a fixed term exclusion and parents will have the same right to gain information and to appeal.

### **Behaviour Outside the Academy**

Students' behaviour outside the Academy on Academy "business", for example Academy trips and journeys, sports fixtures or a work experience placement are subject to the Academy's Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with, as if it had taken place in the Academy. For behaviour outside the Academy but not on Academy 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 students' behaviour in the immediate vicinity of the Academy or on a journey to and from the Academy is inappropriate 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 Academy's published policy on drugs and will also seek advice from the LA's Drugs Education Advisor or other suitable professional. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Principal will make a judgement set against the criteria in the Academy's drugs policy.

*Reviewed September 2012*