

EXCLUSION POLICY

Version	Date
Last reviewed	June 2017
Date of next review	June 2018

1. 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:

- 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.
- The second is to realise the aim of reducing the need to use exclusion as a sanction.

2. Introduction

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

- In response to a serious breach of the Academy's Behaviour Policy.
- If allowing the student to remain in our Academy would seriously harm the education or welfare of the student or others in the Academy.
- 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:

This is not an exhaustive list and there may be other situations where the Principal makes the judgement that exclusion is an appropriate sanction. All decisions to exclude are serious and only taken as a last resort or where the breach of the Academy rules is serious. The following are examples;

- Failure to comply with a reasonable request from a senior member of staff.
- Breaches of health and safety rules.
- Verbal abuse of staff, other adults or students.
- Possession of drugs, tobacco, energy drinks and/or alcohol related offences.
- Smoking on the school grounds.
- Leaving the school site without permission at breaks and lunch.
- Failure to comply with the requirements of the 'Consequence System'
- Wilful damage to property.
- Homophobic or racist bullying.
- Bullying.
- Sexual misconduct.
- Theft.
- Behaviour off-site whilst representing the school.
- Inappropriate use of social networking and media sites or mobile phones.
- Making a false allegation against a member of staff.
- Persistent defiance or disruption.
- Physical assaults on staff, students or other adults.
- Other serious breaches of Academy rules or Home and School Agreement

3. 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 Principal 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 fixed term in 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 was subject to provocation.
- Following exclusion parents are contacted immediately where possible. A letter will be sent by post, giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Academy Council and the Local Authority 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 five days of an exclusion. Alternative provision will be arranged from the 6th day at Step Out Centres or UCAN.
- A “reintegration” meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership 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 Progress Leader - 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 Governors Meeting or Pastoral Support Plan meeting may also be called by the Year Progress Leader. This needs to be agreed between the Academy, student and parents. Time in the Academy’s Step Out Unit may be 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 Academy Council.
- 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 Academy Council has agreed to adopt the procedural guidelines as described in the DFE September 2012 document.

4. 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.

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 could include:

- persistent and defiant misbehaviour or disruption including bullying (which would include racist or homophobic bullying)
- repeated possession and/or use of an illegal drug or drug paraphernalia on Academy premises.
- repeated or serious misuse/damage of the Academy computers by hacking or other activities that compromise the integrity of the computer network.
- repeated verbal abuse of staff.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies, or 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;
- possession or supplying an illegal drug;
- carrying, threatening to use or actual use of an offensive weapon.
- making a malicious serious false allegations against a member of staff.
- arson or threats of arson, including setting of fires anywhere on the Academy site.
- theft and damage to school property.
- breaking in and entering the school building without permission.

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." Airedale Academy has determined that, in addition to legislative guidance, any knife, irrespective of length, constitutes an offensive weapon and should not be brought into the Academy. In addition to knives; axes, BB guns, air guns, GATT guns, catapults, slings, laser pens etc., will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, bats, other blunt instruments, or items judged by the Principal to be carried with the intention to inflict injury on another individual – this would include blades removed from pencil sharpeners, etc. 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.

The Academy 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 wellbeing of the Academy community. The Principal will make the judgement where it is appropriate to permanently exclude a child for a first or 'one-off' offence.

5. Phased Reintegration Timetable

As an alternative to exclusion the Principal may, in limited circumstances, make use of a partial timetable to support a student.

6. Provision of Education for Students Excluded for a Period Exceeding Five Days

Airedale Academy recognises the need to keep fixed term exclusions short wherever possible. It is therefore anticipated that exclusions would not exceed five days fixed term. If an exclusion of over five days is required then Alternative Provision will be used as a method of education from the sixth day of exclusion until a decision is made on the student's future at Airedale Academy.

7. Searching and Confiscation

Please refer to the DfE guidance 'Screening, Searching and Confiscation. Advice for head teachers, staff and governing bodies' January 2016.

In addition to the practice identified in the DfE guidance, Airedale Academy also bans the following items and as a result are able to search students for them under the Education Act 1966 compatible with Article 8.

- Any item brought into the Academy with the intention of the item being sold or passed on to other students which, in the Principal's opinion, will cause disruption to the Academy or be detrimental to Academy practice.
- Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.
- Staff should hand the confiscated item to the relevant member of support staff (student reception etc) as soon as possible and complete the necessary information to identify the item, the date it was confiscated, the name of the student and the member of staff's name. Staff must not give the confiscated item to another student to hand in and must not leave the item in an unsecure area at any time.
- Any item which staff consider to be dangerous or criminal (e.g. drugs) must be brought to the attention of a senior member of staff immediately.
- Items confiscated by the Academy can be collected by parent/carers except where the Academy has chosen to dispose of the confiscated items, e.g. cigarettes, alcohol, energy drinks.
- The Academy's general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
- The Principal will use their discretion to confiscate, retain and/or destroy any item found as a result of a search.
- Energy drinks can be seized and disposed of by members of staff.
- Where alcohol has been confiscated, the Academy will dispose of it as deemed appropriate (which can include destruction or returning it to a parent/carer, but must not include returning it to the student).
- Where the Academy finds controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the Principal thinks there is a good reason to do so.
- Where the Academy finds other substances which are not believed to be controlled drugs, these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find stolen items, these should be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the Principal thinks that there is a good reason to do so.
- Where a member of staff finds tobacco, e-cigarette paraphernalia or cigarette papers they may dispose of them as they think appropriate, but this should not include returning them to the student.
- Fireworks found as a result of a search may be disposed of but must not be returned to the student.
- If a member of staff finds a pornographic image, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police or to retain the image whilst the Academy carries out its own investigation.
- Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found, it may be delivered to the police, returned to the owner, retained or disposed of.
- Where a member of staff finds an item which is banned under the Academy rules, they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Any weapons or items which are evidence of a serious offence must be passed to the police as soon as possible or retained while the Academy carries out its own investigation.

8. 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, Equalities and Health & Safety 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.

The Principal may choose to exclude if s/he is satisfied that on the balance of probabilities that the circumstance warrants it, that the student did what he or she is alleged to have done, and that there are no mitigating factors which would suggest it would be appropriate to issue a lesser sanction than exclusion.

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:

- The gravity of the incident, or series of incidents, and whether it constitutes a breach of the Academy's Behaviour Policy.
- 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 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.

9. Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Policy. The Academy works closely with the Wakefield Local Authority, through 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.

10. Lunchtime Exclusion

Students whose behaviour at lunchtime is disruptive may be isolated for the duration of the lunchtime period on a lunch detention supervised by Progress Leaders or in Cool Off.

11. Behaviour Outside the Academy

Student outside the Academy on Academy "business" (for example Academy trips and journeys, sports fixtures or a work experience placement) are still 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 the 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.

12. 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 Local Authority'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.