



EXCLUSION POLICY

PHASE	JUNIOR & SECONDARY
POLICY LEAD	REBECCA HIBBERD (PRINCIPAL SWINTON ACADEMY)
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This policy should be used in conjunction with the academy behaviour policy and by referring to the DFE publication: - "Exclusion from maintained schools, academies and pupil referral units in England" September 2017.

Principals should use the Exclusion Policy for serious breaches of the behaviour policy and where allowing a pupil/student to remain in the academy would seriously harm the education and/or welfare of students or others. It may also be appropriate where a criminal act has been committed.

1. Introduction

"Good discipline in schools is essential to ensure that all pupils/students can benefit from the opportunities provided by education. The Government supports Headteachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to serious or persistent breaches of the school's behaviour policy; and when allowing the pupil/student to remain in school would seriously harm the education or welfare of the pupil/student or others in the school." (Department for Education Guidance for Exclusions from maintained schools, Academies and PRUs in England 2017).

The decision to exclude a child is a very serious one and not one that a Principal should take lightly. The academy 'Behaviour Policy' should be widely publicised so that pupils/students, staff, governors, parents/carers are aware of our expected standards of behaviour. ACET academies will apply the behaviour policy in a consistent, rigorous and non-discrimatory way and all areas of its application will be monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

The ACET 'Exclusion Policy' is an extension of the academy 'Behaviour Policy'. The steps outlined in that policy are those to be taken under 'normal circumstances'. However, when there are either continuous contraventions of the 'Behaviour Policy', persistent disruptions to teaching and learning or where there are extreme and exceptional behaviours, the Principal may make the decision to exclude for a fixed number of days (fixed term exclusion) or recommend permanent exclusion.

All ACET Academies will strictly adhere to the DFE "Guidance for Exclusions from maintained schools, Academies and PRUs in England". This document is available to parents/carers via the DFE website.

2. Aims of the policy

- The main aim of this policy is to inform the academy's use of exclusion as a sanction for serious breaches of the Behaviour Policy. These may include:-
 - Dangerous and/or disruptive behaviour
 - Issues relating to misuse of substances/weapons
 - Physical assault against students or staff
 - Racial abuse or other forms of bullying/discrimination
 - Threatening behaviour
 - Verbal abuse
 - Sexual abuse or assault
 - Theft
 - Persistent disruption to learning and teaching
 - Unacceptable behaviour which has previously been reported and where sanctions have been unsuccessful in modifying behaviour

(NB: The above is not an exhaustive list)

- Principals should be consistent when using exclusion as a sanction for serious breaches of the Behaviour Policy The process should be fair and consistent.
- Principals should ensure that all exclusions are lawful, reasonable and fair.
- Decisions should be well informed. Statements should be gathered from as many witnesses as possible. Principals, when establishing the facts, should make a decision by applying the civil standard of proof i.e. on the balance of possibilities it is more likely than not that a fact is true. They do not have to prove 'beyond reasonable doubt', as is the criminal standard.
- Pupils/students at risk of exclusion may have some 'unmet needs'. Staff should consider, prior to exclusion, any causal factors and intervene as early as possible, using for example, a SEND support plan / Graduated Response /EHCP to support the student in order to avoid, where possible, an exclusion.
- Only the Principal of an academy can exclude a pupil/student on disciplinary grounds (or a senior colleague designated in the absence of the Principal).
- A pupil/student may receive one or more fixed term exclusions up to 45 days in a single academic year. A pupil/student may be permanently excluded.
- A fixed term exclusion cannot be extended or converted to permanent exclusion. Further evidence that becomes known during a fixed term exclusion may, in exceptional circumstances, lead to a further fixed term exclusion being issued, starting immediately after the first period of exclusion ends or a permanent exclusion being issued.
- Principals should not use 'unofficial exclusions' such as sending a pupil/student home to 'cool off', even if parents/carers agree.
- Agreed absence over the period of a lunchtime should be seen as a half-day exclusion.
- Principals have the power to direct a pupil/student off site for education to help improve their behaviour.

- A Principal may also negotiate a 10-week 'managed move' to another school/academy to assist improved behaviour. This must only be used if all parties consent. The LA should be informed about this agreement. This is the responsibility of the school where the pupil/student is on roll. The relevant paperwork should be completed.
- Principals can exclude pupils/students for behaviour outside the school grounds, for example, educational visits, sports fixtures, work experience.
- Permanent exclusion should only be used for:-
 - a) serious breaches/persistent breaches of the academy behaviour policy and,
 - b) Where allowing the pupil/student to remain in school would seriously harm the education or welfare of others in the academy.

3. Procedures

- Only the Principal of an academy can exclude a pupil/student on disciplinary grounds (or a senior colleague designated in the absence of the Principal).
- Most exclusions are of a fixed term nature and are of a short duration (usually between one and five days).
- Evidence should always be gathered to assist Principals when making decisions about fixed term or permanent exclusions. (This should include, wherever possible, a statement from the student himself or herself). Principals should also take into account their legal duty of care.
- Following exclusion parents/carers should be contacted immediately, by telephone, where possible. A letter should be sent outlining details, within 24 hours of the decision being taken.
- A copy of this letter should be sent to the LA, along with any other relevant paperwork.
- Work should be sent home to cover the period of the fixed term exclusion. This work should be returned and marked.
- Parents/carers have a right to make representations to the Governing Body and Children's Services Directorate, Social Inclusion Officer at the LA as directed in the letter.
- A reintegration/readmittance meeting should be held following the expiry of the fixed term exclusion and this will involve the pupil/student, parent/carer, a member of the Senior Leadership Team and other staff, where appropriate.
- It should be academy practice to monitor behaviour and work of the pupil/student very closely for the period following exclusion. This may mean the use of a report or close support by staff. At this stage, additional interventions should be considered in order to avoid further exclusions.
- During the course of a fixed term exclusion, where the pupil/student is at home, parents/carers are advised that the pupil/student is not allowed on the school premises and that daytime supervision is their responsibility during school hours.

Fixed term exclusion over five days

According to DCFS guidance, the academy is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer. It is the academy's responsibility to organise this. This may take place in another school or educational provider. Parents/carers should be notified of these arrangements.

Permanent Exclusion

The decision to exclude a pupil/student permanently is a very serious one. 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 issues 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.

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 member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon*.
- 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 them for such use by them.”*

When a pupil/student is permanently excluded, the governing body, made up of at least three governors, should meet within 15 school days of the decision being made. Governors, parents/carers and the LA should receive the relevant paperwork at least 5 days prior to the meeting.

** (Governors should also hold a similar meeting when a pupil/student has been excluded for more than 15 days in one term or if the pupil/student would miss a public examination).

4. 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 permanent exclusion is the most appropriate sanction, the Principal will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy and the effect that the pupil/student remaining in the academy would have on the education and welfare of other students and staff.

5. Notifying Governors

The local governing body will be informed about all fixed term and permanent exclusions at least termly.

The chair of the local governing body will be informed immediately of all exclusions that exceed 5 days, if the exclusion would result in a pupil/student missing a public examination or when the decision is made to permanently exclude a pupil/student.

Governors will challenge the academy about strategies put into place to avoid exclusion and to avoid any further exclusions. They will also monitor the reasons and frequency of both fixed term and permanent exclusions.

6. Appeals against fixed term exclusions

When notifying parents/carers about the fixed term exclusion, the Principal should draw attention, within the letter, to free and impartial information.

Parents/carers have the right to make representation to the local governing body about the decision to fix term exclude. Whilst the local governing body has no power to reinstate, they must consider any representations made and may place a copy of their findings on the child's school record.

Parents/carers can also appeal to the Special Educational Needs and Disability Tribunal if they think the exclusion relates to a disability their child has and believes that discrimination occurred.