

Buckler's Mead Academy



Policy Document

EXCLUSION POLICY

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<i>Please note: The version of this document contained within the 'Policy Documents' Folder on BMStaff (T:\Admin\Policies and Procedures) is the only version that is maintained.</i>	

Rationale

This policy is underpinned by the commitment of all at Buckler's Mead Academy to ensure the safety and well-being of the whole academy community and to maintain an appropriate educational environment in which all can learn and achieve.

Introduction

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

- (a) In response to a serious breach of the Academy's Behaviour for Learning Policy; and
- (b) If allowing the student to remain in Academy would seriously harm the education or welfare of the student or others in the Academy.

Exclusion is an extreme sanction and is only used by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher, who is acting in that role).

Exclusion will be used when 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 Headteacher will ensure appropriate investigations have been / or are being carried out, considering all the evidence available. If the Headteacher 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.

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 for Learning Policy:

- Verbal abuse to any adult.
- Verbal abuse to student.
- Physical abuse / attack on any adult.
- Physical abuse /attack on a student.
- Indecent behaviour.
- Damage to property.
- Misuse of illegal drugs or other substances including supplying.
- Theft.
- Threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Carrying an offensive weapon or any other banned items.
- 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.
- Refusal to do as instructed by a member of the Senior Leadership Team.

This is not an exhaustive list and there may be other situations where the Headteacher 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 two and five days).
- The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 academy days with a review every 15 days in any one academy year.
- Following exclusion parents/carers are contacted immediately where possible. A letter is sent by post giving details of the exclusion and the date the exclusion ends.
- Parents/carers have a right to make representations to the Academy Directors, as directed in the letter.
- A 'reintegration meeting' will be held following the expiry of the fixed term exclusion and this will involve the student, parent/carer, a member of the Senior Leadership Team and other staff where appropriate. In extreme circumstances a Director may be present at the meeting.
- It is academy practice to monitor behaviour and work of the student very closely for the period following exclusion. This may mean the use of a report or close support by staff.
- If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan may be drawn up.
- At the point of 15 days of exclusion (either consecutive or non consecutive days) a directors panel will occur to review the behaviour issues and the plans for improvement.
- During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on the academy premises, and that daytime supervision is their responsibility, as parents/carers.

Fixed Term Exclusions over Five Days

According to DfE 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.

The academy works in partnership with other local academies and online tutoring if a student is given an exclusion of more than five days in order that appropriate full time education and transport is offered to the parent/carer.

The academy will provide education by working with:

- Other local academies

- Online Learning systems

The academy will liaise with the other school/academy to ensure that the student continues with their programme of study. In most cases the academy will set the work to be completed and ensure that it is completed appropriately.

Total Exclusion Days

The governing body must consider the reinstatement of an excluded student if the fixed term exclusion would bring the student's total number of school days of exclusion to more than 15 in a term.

Permanent Exclusion

The decision to exclude a 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. This would include persistent and defiant misbehaviour e.g. repeated bullying (which could include racist or homophobic bullying) or possession and or use of an illegal drug on academy premises.

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 an adult.
- Sexual abuse or assault.
- Supplying / intent to supply 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 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.

Exercise of discretion

In reaching a decision, the Headteacher or Deputy Headteacher, 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 Headteacher will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Academy's Behaviour Policy and 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 tests of appropriateness will form the basis of the deliberations at a Directors exclusion appeals hearing/meeting, when it meets to consider the Headteacher's decision to exclude.

Alternatives to Exclusion

The Academy works closely with other local secondary schools/academies to undertake managed moves where such a course of action would be of benefit both to the student and the two academies concerned. However, the threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another academy.

The Internal Exclusion Centre will be used as an alternative to both Fixed Term and Permanent exclusions. The academy uses a policy of internal exclusion for lower levels of unacceptable conduct or for exclusions where being out of the academy is not a punishment for the student. We will also combine internal and external exclusions for more serious breaches of discipline so as to maintain a continuity of education and attendance.

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 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 educational visits and journeys, away academy sports fixtures or a work experience placement is subject to the Academy's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in the academy. If students' behaviour in the immediate vicinity of the academy or on a journey to and from the academy is inappropriate and meets the academy criteria for exclusion then the Headteacher may decide to exclude.

Appendix 1

Fixed Term Exclusion Letter

Dear Parent/Carer

_____ Student Name /Form/DOB _____

I am writing to inform you of my decision to exclude _____ for a fixed period of ____ days. This means that _____ will not be allowed in school for this period. The exclusion begins on.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude _____ has not been taken lightly. _____ has been excluded for this fixed period for _____.

You are requested to attend a reintegration interview with _____ at Buckler's Mead Academy on _____ at _____. If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best _____'s return to school will be conducted and to discuss future provision.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the date(s) of this exclusion. If so, it will be for you to show reasonable justification.

We will set work for _____ to be completed during this exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing body/Management committee. If you wish to make representations please contact the Clerk to the Governors, c/o Buckler's Mead Academy, 1 St John's Road, Yeovil, Somerset, BA21 4NH, Tel: 01935 424454, email address: mwood@bucklersmeadacademy.com as soon as possible. Whilst the Governing body/Management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

You also have the right to see a copy of _____'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of _____'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 9.00 am to 6.30 pm Monday to Friday.

_____ 's exclusion expires on.

Yours sincerely

Appendix 2

Permanent Exclusion Letter

Dear Parent/Carer

Name: _____ **Date of Birth:** _____

I regret to inform you of my decision to permanently exclude _____ with effect from _____. This means that _____ will not be allowed in this school unless he/she is reinstated by the governing body or by the recommendation of a review panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude _____ has not been taken lightly. _____ has been excluded because:

Reason:

You have a duty to ensure that your child is not present in a public place in school hours during the first five school days of this exclusion, that is on _____ to _____ unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for _____ education to continue will be made. For the first five school days of the exclusion we will set work for _____ and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from _____, the local authority Somerset County Council will provide suitable full-time education.

I have also today informed Mrs Sharon Clarke, Area Casework Officer, at Somerset County Council, of your child's exclusion and they will be in touch with you about arrangements for his education from the sixth school day of exclusion. You can contact them at Mrs S Clarke, sclarke@somerset.gov.uk

You have the right to make representations about this decision to the governing body and ask them to reinstate your child. As this is a permanent exclusion the governing body must meet to consider it. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may ask for the decision to be reviewed by an Independent Review Panel. The latest date by which the governing body must meet is _____. If you wish to make representations to the governing body please contact Mr M Wood, Clerk to the Governing Body, on 01935 424454, as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting.

At the meeting you have the right to be accompanied by a friend or representative. Taking into account your child's age and understanding, he may also attend the meeting to speak on his own behalf and is entitled to bring a friend. Alternatively your child may wish to communicate his views by other means.

Please let us know if you have a disability or special needs which would affect your ability to attend the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the governing body.

You also have the right to see a copy of your child's school record. I will be happy to supply you with a copy if you request it but due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy. There may be a charge for photocopying.

For your information the following sources of advice are available to you.

- on or email pupilsupport@somerset.gov.uk.
- There are a number of organisations that provide free advice to parents on exclusion matters:
 - Coram Children's Legal Centre can be contacted on 0345 345 4345 or through: <http://www.childrenslegalcentre.com>
 - ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk>
 - The National Autism Society (NAS) Schools Exclusion Service (England) can be contacted on 0808 800 4002 or through schoolexclusions@nas.org.uk
- Somerset Parent Partnership Service (now known as Somerset SENDIAS) provides support and information to parents and carers of children with SEN (special educational needs), this may include children with behaviour difficulties as well as those who are at risk of, or who have been excluded from school. They can be contacted on 01823 355578.
- Statutory guidance on exclusion can be found here:
www.gov.uk/government/publications/school-exclusion

Yours sincerely

Mrs S Gorrod
Head teacher

cc. Clerk to Governors' Committee
Area Casework Office

Appendix 3

Fixed Period Exclusion Letter

Dear Parent/Carer

Student Name/form/DOB

I am writing to inform you of my decision to exclude for a fixed period of «nodays» days. An investigation will occur during this time and the exclusion may lead to a permanent exclusion. «firstname» will not be allowed in school for this period. The exclusion begins on.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude «firstname» has not been taken lightly. «firstname» has been excluded for this fixed period for «reason».

You are requested to attend a reintegration interview with «staff_member» at Buckler's Mead Academy on «reindate» at «time». If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best «firstname»'s return to school will be conducted and to discuss future provision.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the date(s) of this exclusion. If so, it will be for you to show reasonable justification.

We will set work for «firstname» to be completed during this exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing body/Management committee. If you wish to make representations please contact the Clerk to the Governors, c/o Buckler's Mead Academy, 1 St John's Road, Yeovil, Somerset, BA21 4NH, Tel: 01935 424454, email address: mwood@bucklersmeadacademy.com as soon as possible. Whilst the Governing body/Management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

You also have the right to see a copy of «firstname»'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of «firstname»'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 9.00 am to 6.30 pm Monday to Friday.

«firstname»'s exclusion expires on.

Yours sincerely

S Gorrod
Headteacher