

# The Harrowby / National Academies Trust

“Aim High BELIEVE, Fly High ACHIEVE”

## Exclusion Policy



### **Trust**

*“Those who trust in the Lord will become strong again. They will be able to rise up and soar like an eagle in the sky.”*

Isaiah 40 v31



### **Friendship**

*“A friend loves at all times and is always there to help.”*

Proverbs 17 v17

### **Forgiveness**

*“Be kind, be humble, gentle and patient. Forgive each other.”*

Colossians 3 v13

### **Wisdom**

*“Listen to advice and accept correction. Then in the end you will be wise.”*

Proverbs 19 v20

### **Endurance**

*“I can do all things through Christ because he gives me strength.”*

Philippians 4 v13

### **Peace**

*“The Fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control.”*

Galatians 5 v22-23

Date of Review	February 2021
Date of Next Review:	Spring 2022

### 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 academy 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 education 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.

### Introduction

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

In response to a serious breach of the Academy's Positive Behaviour Policy

If allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy. Exclusion is an extreme sanction and is only administered by the Executive Headteacher or Heads of school. 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 Positive Behaviour Policy and Home School Agreement:

- Verbal abuse to staff and others Verbal abuse to pupils
- Physical abuse to/attack on staff Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- 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
- Arson
- Unacceptable behaviour which has previously been reported and for which academy sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Executive Headteacher or Heads of school makes the judgement 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 allow the Executive Headteacher or Heads of school to exclude a pupil for one or more fixed periods not exceeding 45 academy days in any one school year.

The Trustees have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in an academy term or missing a public examination.

The Trustees have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in an academy term where a parent/carer has expressed a wish to make representations.

Following exclusion parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents/carers have a right to make representations to the Board of Trustees and LCC as directed in the letter.

A reintegration to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and other staff where appropriate.

A Pastoral Support Plan and Behaviour Plan will be drawn up. This needs to be agreed with the academy, pupil and parents. During the course of a fixed term exclusion where the pupil is to be at home, parents/carers are advised that the pupil is not allowed on the academy premises, and that daytime supervision is their responsibility as parents/carers.

#### Lunchtime Exclusion

Pupils 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/carers will have the same right to gain information and to appeal.

#### Behaviour outside the academy

Pupil's behaviour outside the academy on academy "business" for example academy educational visits and journeys, away academy sports fixtures or a work experience placement is subject to the Academy's Behaviour, Discipline & Rewards Policy. Poor choices of behaviour in these circumstances will be dealt with as if it had taken place in the academy.

#### Pupils with special educational needs and disabled pupils

The school must take account of any special educational needs when considering whether or not to exclude a pupil. We have a legal duty under the Disability Discrimination Act 1995 as amended not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Executive Headteacher of Heads of school should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' could include:

- Differentiation in the school's behaviour policy
- Developing strategies to prevent the pupil's behaviour
- Requesting external help with the pupil
- Staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it.

A specific incident affecting order and discipline in the school may be such a reason

### Permanent Exclusion

The decision to exclude a pupil permanently is a 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 offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement 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.

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 pupil 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 (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")
- Arson

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 well being of the academy.

### 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 pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Executive Headteacher or Heads of school, will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the pupil Behaviour, Discipline & Rewards Policy, Equal Opportunity and Race Equality Policies
- Allow if possible the pupil 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 Executive Headteacher or Heads of school is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, exclusion will be the outcome.

The principal legislation to which this policy relates is:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews - England) Regulations 2012
- The Education and Inspections Act 2006: and
- The Education (Provision of full-time Education for Excluded Pupils – England) Regulations 2007

As a RRS (Rights Respecting School – UNICEF) this upholds the following articles from the UNCRC (United Nations Convention on the Rights of the Child):

- Article 2: Everyone has equal rights whatever their race, religion, ability, whatever they think or say or whatever their family.
- Article 3 The best interests of the child must be as top priority in all actions concerning children.
- Article 28: Every child has the right to an education.
- Article 29: Every child has the right to be the best they can.