



EXCLUSIONS POLICY

BRANSTON
COMMUNITY ACADEMY

Reviewed: July 2018
Updated: September 2020

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:

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.

1. Introduction

1.1 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 a student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy.

1.2 Exclusion is an extreme sanction and is only administered by the Principal or other members of SLT with responsibility for Lower and Upper School.

1.3 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 Student Behaviour policy:

Exclusion reason	Possible examples
Physical assault against a pupil	fighting, obstruction and jostling, violent behaviour, wounding
Physical assault against an adult	obstruction and jostling, violent behaviour, wounding
Verbal abuse/threatening behaviour against a pupil	aggressive behaviour, swearing, threatened violence, verbal intimidation
Verbal abuse/threatening behaviour against an adult	aggressive behaviour, swearing, threatened violence, verbal intimidation
Use or threat of use of an offensive weapon or prohibited item	carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns, carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property, use of an offensive weapon
Bullying	verbal, physical, cyber bullying or threatening behaviour online, racist bullying, sexual bullying, homophobic, biphobic and transphobic bullying, bullying related to disability
Racist abuse	derogatory racist statements, racist bullying, racist graffiti, racist taunting and harassment, swearing that can be attributed to racist characteristics

Abuse against sexual orientation and gender identity (for example, LGBT+)	derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender), homophobic, biphobic and transphobic bullying, LGBT+ graffiti, LGBT+ taunting and harassment, swearing that can be attributed to LGBT+ characteristics
Abuse relating to disability	derogatory statements or swearing about a disability, bullying related to disability, disability related graffiti, disability related taunting and harassment
Sexual misconduct	lewd behaviour, sexual abuse, sexual assault, sexual bullying, sexual graffiti, sexual harassment
Drug and alcohol related	alcohol abuse, drug dealing, inappropriate use of prescribed drugs, possession of illegal drugs, smoking, substance abuse
Damage to property	damage includes damage to school or personal property belonging to any member of the school community, arson, graffiti, vandalism
Theft	selling and dealing in stolen property, stealing from local shops on a school outing, stealing personal property (from an adult or pupil), stealing school property
Persistent or general disruptive behaviour	challenging behaviour, disobedience, persistent violation of school rules, raising of fire alarms falsely
Inappropriate use of social media or online technology	sharing of inappropriate images (of adult or pupil), cyber bullying or threatening behaviour online, organising or facilitating criminal behaviour using social media
Wilful and repeated transgression of protective measures in place to protect public health	Deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing, causing distress such as through purposefully coughing very near to other pupils or adults, or any other deliberate breach of public health protective measures which the school has adopted.

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

2. Exclusion Procedure

- 2.1 Most exclusions are of a fixed term nature and are of short duration (usually between one and three days)
- 2.2 The DfE regulations allow the Principal to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- 2.3 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.
- 2.4 The Senior Leadership Team 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.

2.5 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 Senior Leadership Team and the Governing Body.

2.6 A return to school meeting will sometimes 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.

2.7 A fixed term exclusion may take the form of an 'internal' exclusion, with the student being isolated within the Academy. 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.

2.8 During the course of a fixed term exclusion where the student is to be at home, parents are advised that the student is not allowed on the Academy premises and that daytime supervision is their responsibility, as parents/guardians.

3. Permanent Exclusion

3.1 The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered

(i) 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 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 school premises.

(ii) 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
- Supplying an illegal drug
- Carrying an offensive weapon*
- Arson

3.2 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".*

3.3 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.

4. General factors the Academy considers before making a decision to exclude

4.1 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 Student Behaviour and Equality and Diversity 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.

4.2 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.

5. Exercise of discretion

5.1 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.

5.2 In considering whether permanent 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 serious breach of the Student Behaviour Policy and *b)* the effect that the student remaining in the Academy would have on the education and welfare of other students and staff.

5.3 In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Student Discipline Committee, when it meets to consider the Principal's decision to exclude. This Committee 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.

6. Alternatives to Exclusion

6.1 Alternative strategies to exclusion are always used if possible. However, the threat of permanent exclusion will never be used as the means to coerce parents to move their child to another school.

7. Lunchtime Exclusion

7.1 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.

8. Behaviour Outside the Academy

8.1 Students' behaviour outside the Academy on Academy "business", for example trips and journeys, away sports fixtures or a work experience placement, is subject to the Academy's Student Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in the Academy.

8.2 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.

8.3 If students' behaviour in the immediate vicinity of the Academy or on a journey to and from the Academy is poor and meets the Academy criteria for exclusion then the Principal may decide to exclude.

9. Drug Related Exclusions

9.1 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. 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.



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