

Exclusion Policy and Procedure

1. Guiding principles

- 1.1 This policy aims to minimise the time, which students spend out of The JCB Academy because learning time for all students is valued. Exclusions will, therefore, be used sparingly and restricted to serious breaches of the academy's Behaviour Management Policy.
- 1.2 Exclusion is a disciplinary sanction which can be used only by the Principal or a designated person acting in the Principal's absence.
- 1.3 Exclusions are used sparingly; alternative sanctions are always considered and used whenever they are more appropriate.
- 1.4 Permanent exclusion will be used only as a last resort and when allowing the student to remain in the Academy would be seriously detrimental to the education or welfare of the student, or that of others at the academy.
- 1.5 Counselling, support and advice are seen as important behaviour modification measures, which will be used both alongside and as an alternative to exclusion.

2. Consequences for unacceptable behaviour which will be used as alternatives to exclusion (or used alongside exclusion)

- Additional work to be completed at home.
- Detention.
- "On Report".
- Internal exclusion.
- Contact with parents/carers.
- Behavioural agreement with the student and his/her parents/carers.
- Behaviour support plan.
- Input from other agencies where appropriate.

3. Preliminary factors to be considered prior to exclusion

- Previous behavioural record.
- Extenuating domestic or other circumstances.
- Parental, peer or other pressures, which may have contributed to the behaviour.
- Whether the incident involved or was provoked by racial or sexual harassment.
- The severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring.
- Effects on other people in the academy, especially the effects on their safety and welfare and whether or not he misbehaviour seriously disrupts the education of other students.
- Whether the incident was perpetrated by the student on his/her own or as part of a group.
- Whether or not the behaviour occurred at the academy or when the student was on the way to, or from, the academy. If the latter, consider the extent to which the behaviour had a serious negative impact on the life or "reputation" of the academy.
- The appropriateness of seeking the support of other agencies, such as the education social worker, educational psychologist, or behaviour support service.
- The appropriateness of providing special educational needs support.

4. Exclusion is not appropriate for:

- Non-attendance at the academy (this applies to pre-16 students only).
- Failure to complete homework.
- Breaking a behavioural agreement. (It is the specific incident, which might lead to exclusion, not the broken agreement.)
- Pregnancy.
- Contravention of uniform regulations.
- Minor offences.

5. Behaviour which is likely to lead to exclusion

Students will normally be suspended if they assault or bully students. In a very minor case, the suspension will be lesson suspension and the length of that suspension will be the time that is taken to undertake an enquiry into the behaviour. In other instances, exclusion from the academy will be the appropriate response.

Students are regularly reminded that swearing in the academy is inappropriate. If a student swears directly at a member of staff, the student will be excluded from the academy for up to five days.

Students should expect to be excluded if they are found in possession of illegal substances at the academy. The emphasis is on 'expect'; much depends upon the use and purpose of the substances and on the circumstances at the time.

Other behaviour might lead to exclusion. For example, if a student refuses to accept the authority of a member of staff by refusing a reasonable request or instruction and thus the student undermines the member of staff's authority. The seriousness of this behaviour depends on the audience and context. It is, however, very likely to lead to lesson suspension or in more serious cases, to exclusion from the academy.

5.1 Fixed term exclusion

These are examples of serious misbehaviour, which are very likely to result in fixed term exclusion from the academy.

- Consuming alcohol on the academy premises or on an academy trip.
- Unprovoked physical attack on a student, which caused minor injury or seriously frightened the victim.
- Incidents involving racial abuse.
- Incidents involving sexual harassment.
- Fighting other than minimum self-defence against unprovoked or unavoidable physical attack.
- Theft.
- Serious challenge to staff authority, e.g. swearing at a member of staff.
- Repeated failure to accept the academy authority.
- Possession of illegal drugs on the academy premises or on an academy trip.
- Intentional damage to property.

5.2 Permanent exclusion

These are examples of behaviour, which are very likely to result in permanent exclusion from the academy.

- Serious misbehaviour of the type, which leads to temporary exclusion persists despite previous sanctions and support.
- Unprovoked serious attack on a student.
- Assault against a member of staff.
- Serious or repeated damage to the academy property.
- Possession of illegal drugs with a view to supplying to others.
- Possession of illegal drugs on a second occasion.
- Incidents involving racial abuse.
- Incidents involving sexual harassment.

6. Period of exclusion

The vast majority of exclusions will last from one to five days, the length of the exclusion being commensurate with the severity of the offence. An exclusion lasting more than five days may be used in response to very serious misbehaviour.

A fixed period exclusion of up to five days may need to be extended under certain circumstances, e.g. to allow time for further reports or supportive work with students or parents/carers.

7. Roles

7.1 Director of KS4

As the academy's most senior pastoral manager, the Director of KS4 plays the key role in many aspects of the exclusions procedure. S/he will:

- Monitor all potential exclusion cases as they emerge, and fully appraise the Principal of these developments.
- Involve the Education Social Worker, Educational Psychologist and/or Behaviour Support Team as appropriate.
- Organise a case conference with parents/carers as one of the strategies to improve the student's behaviour before it reaches the stage of exclusion or further exclusion.

- Prior to any potential exclusion, undertake a thorough disciplinary enquiry, which leads to a recommendation that the Principal (or Acting Principal) should or should not exclude the student (this enquiry could also be undertaken by another member of the Senior Management Team). In such circumstances, the student facing exclusion will be given an opportunity to express a view on the incident orally and/or will be required to make/sign a written statement. The Director of KS4 will establish whether or not a possible exclusion would mean the student may lose the opportunity to take a public examination. If so, the Principal will be informed of this and if the Principal decides to exclude the student, the Chair of Governors' attention will be drawn to the implication for public examinations.
- In the case of a LAC or SEN student, the Principal will be provided with advice prior to the exclusion decision on what impact this sanction will have on the student.
- If the student cannot be collected earlier, arrange for her/him to work in isolation until the end of the academy day, at which time s/he will be given an exclusion letter for delivery to her/his parents/carers.
- In the case of a student excluded for more than five days, ensure the smoothest possible reintegration of the student on return from exclusion.
- Attend the Governors' Discipline Committee meeting, if requested by the Principal to do so.

7.2 Principal or Acting Principal

Only the Principal or an Acting Principal can exclude a student. This decision will be made after a thorough disciplinary enquiry prior to the Principal's decision.

- If the Principal decides to exclude a student, he will instigate the exclusion letter. (The Principal will also need to inform the Clerk to the Discipline Committee for all exclusions exceeding five days singly or cumulatively in a term.) On the day of permanent exclusion one copy will be sent to the Local Authority (LA). In the case of either temporary or permanent exclusion, a letter will be given to the student to deliver to his/her parents/carers and a duplicate copy posted to the parents/carers.
- A student will not be sent home during the Academy day unless the Principal or designated person has informed the parents/carers in advance. It is not sufficient to send a student home during the course of the Academy day with a letter for delivery to the parents/carers.
- An overview of exclusions from the academy will be included in the annual Principal's Report to the Discipline Committee.

7.3 Principal's Personal Assistant

- Details of the exclusion are passed from the Principal to his/her Personal Assistant enabling the Personal Assistant to create the appropriate letter to parents/carers.
- The letter is then sent to parents/carers. If the parents/carers collect the student, the letter and policy can be handed to them by the Principal. If the student has to stay until the end of the day in the event of parents/carers not being contacted, then the student will take the letter home.
- Copies of the letter are sent to:
 - (i) Chair of Governors.
 - (ii) Chair of Discipline Committee.
 - (iii) Home LA.
 - (iv) Clerk to Governors.

7.4 Chair of Governors

The Principal or, on his/her behalf the Director of KS4, will always try to contact the Chair of Governors prior to any permanent exclusion. A copy of every exclusion letter is passed to the Chair of Governors.

7.5 Chair of the Discipline Committee

When exclusion means the student may lose the opportunity to prepare for and take a public examination, the Chair of the Discipline Committee will decide, on behalf of the Governing Body, whether to endorse the exclusion or direct reinstatement.

7.6 Clerk to the Governors (permanent exclusion)

The Clerk will adapt the following procedures if the parents/carers wish to make representation to governors in respect of a fixed term exclusion:

- (i) In the morning of the first Academy day after a permanent exclusion, the Principal's Personal Assistant will deliver a copy of the exclusion letter and a copy of the permanent exclusions timetable to the Clerk to the Governors. As soon as possible after receiving the timetable and preferably on the same morning, the Clerk to the Governors will start to make contact with the following people in order to agree a date and time for a meeting of the Discipline Committee.
 - Chair of the Discipline Committee.
 - Relevant LA Officer.
 - Each governor member of the Discipline Committee.
 - Principal.
 - Director of KS4.

The time/date of this meeting must be mutually agreeable to the Chair of the Discipline Committee, at least two and preferably three other members of the Discipline Committee, the LA Officer and the Principal.

- (ii) If during the academy days 3 to 7 of the permanent exclusions timetable, the parents/carers indicate a wish to make written or oral representation to the governors, the Clerk will:
- Write to the parents/carers, sending the letter by first class post.
 - Telephone the Chair of the Discipline Committee and the relevant LA Officer, confirming that the parents/carers are making representation to the governors.
 - Write to governor members of the Discipline Committee and the relevant LA Officer, confirming that the parents/carers are making representation to the Governors.
 - Write to the governor members of the Discipline Committee enclosing copies of the original exclusion letter to the parents/carers, LEA Notification of Exclusion form, pastoral summary and a copy of the procedures to be followed by the Discipline Committee.
 - Pass copies of the above governors' letter to the Principal and the Director of KS4.
- (iii) If by the end of the academy day 7 the parents/carers have not made known their intention to make representation to governors, the Clerk will on the academy day 8:
- Telephone the relevant LA Officer and inform him/her that the parents/carers are not making representation.
 - Write to governor members of the Discipline Committee enclosing copies of the original exclusion letter to the parents/carers, LA Notification of Exclusion form, pastoral summary and a copy of the procedures to be followed by the Exclusions Discipline Committee.
 - Pass copies of the above governors' letter to the Principal and Director of KS4.
- (iv) A copy of the letter to the parents/carers will be sent by the Clerk to the Chair of Governors, Chair of Discipline Committee and to the relevant LA Officer.

8. Discipline Committee

If the parents/carers give notice that they wish to make representation, a meeting of the Discipline Committee will be convened to discuss the exclusion as soon as practicable

Whenever the Principal permanently excludes a student, the Discipline Committee will meet to consider the exclusion and any representations made by the parents/carers. This meeting will be held within 15 Academy days (but not before six academy days) of the date of notification by the Principal. The Clerk to the Governors will invite an appropriate LA Officer to attend the meeting.

Unless otherwise agreed in advance by the Chair of the Discipline Committee, the Clerk to the Governors will attend the Discipline Committee meeting. All meetings of the Discipline Committee will be minuted and a copy of the minutes placed in the student's file.

8.1 Procedure to be followed at meetings to consider permanent exclusions

Governors will adapt this procedure if the parents/carers have asked to make representation in respect of a fixed term exclusion.

- (i) The formal meeting should not start until all parties are present: Discipline Committee members (minimum quorum is three); Principal, senior member of the pastoral team or whoever is representing the academy, and the Clerk to the Committee. In addition, when parents/carers have decided to make representations, the following should be present: the LA Officer and, if they wish to attend, the parents/carers, student and a friend of the family.
- (ii) The Committee Chair will open the meeting by stating its purpose and the procedure shown below. S/he will then ask all parties present to introduce themselves.
- (iii) When the parties introduce themselves, any relative of the excluded student (other than the parents/carers) or any relative of other students involved in any alleged incidents must declare their interest at this point. They must withdraw unless decided otherwise by the governors, who will seek advice from their Clerk. *NB: The parents/carers may if they wish have someone of their choice accompanying and assisting them at the meeting or they may send a representative.*
- (iv) The Chair will invite the Principal or his/her representative to give the reasons for exclusion. The Principal will then state the reasons recorded in the exclusion letter sent to the parents/carers.
- (v) The Chair will then ask other academy staff present if they wish to add further relevant information. The senior member of the pastoral team will then summarise the information shown on the pastoral record, a copy of which will have been supplied in advance to the parents/carers and governors. Whilst the academy representative(s) might wish to comment on one or more specific

incident from the pastoral record, it is not essential to do so. The academy representative(s) will not, however, introduce or comment on any incident which has not been mentioned in the pastoral record or in the Principal's letter to parents/carers, excepting if the parents/carers or their representative have raised an issue which can be better understood by the Committee if the academy responds to these comments.

- (vi) The Chair will then invite governors and the parents/carers or their representative to ask questions if they wish.
- (vii) The Chair will then ask if any of the parties would like a short recess to consider the information.
- (viii) If the parents/carers or their representative are present, the Chair will invite them to express their views. In their absence, the Chair will invite the Clerk to the Committee to read any written representation that they have passed to him/her.

If there is no verbal or written representation, the Chair will move straight to section (xii) of this procedure and will adopt the following procedure accordingly (e.g. omit elements referring to LA Officer, Clerk to Committee, presence of parents/carers their representative/the student, etc.). A written or verbal statement from the LA Officer may be considered.

- (ix) The Chair will invite the governors and the academy representative(s) to ask questions if they wish.
- (x) If the parents/carers or their representative have questioned the validity of information relating to specific incidents which led to permanent exclusion, the academy representative(s) will be asked by the Chair to comment on these matters.

When the parents/carers or their representative have questioned the validity of information relating to previous incidents from the student's written pastoral summary, the Chair will request further comment from the academy if the governors believe the parents/carers' or their representative's comments have created real doubt about the accuracy of the written pastoral summary.

- (xi) The Chair will then remind the parties of stages (xii) and (xiii). S/he will then ask if any of the parties present would like a short recess to consider the information presented to the Discipline Committee or, in the case of parents/carers or their representative and the academy representative(s), to add finishing touches to their summary of the case.
- (xii) The Chair will invite the Principal or his/her representative to summarise the academy's case.
- (xiii) The Chair will invite the parents/carers or their representative to summarise their case.

- (xiv) If the student is present with his/her parents/carers or their representative, the Chair may ask the student if s/he wishes to make a comment before the governors make their decision.
- (xv) The Chair will invite the LA Officer to make a statement on behalf of the LA.
- (xvi) The Chair will ask the governors if they wish to seek clarification on points or issues raised by: the parents/carers or their representative or of the student; the Principal or the senior member of the pastoral team.
- (xvii) The Chair will state that the governors will now consider the Principal's decision to permanently exclude the student, at the end of which the governors will decide either to uphold that decision or direct the Principal to reinstate the student in the academy.

The Chair will state that only the governors will consider this matter, but they will ask the Clerk to remain to offer specific advice on exclusion matters, although s/he will have no part in the governors' actual decision. The Clerk or his/her representative will record the governors' decision. This will be communicated to the parents/carers by letter, which will be posted by the academy the day following the Discipline Committee meeting. If parents/carers have made representation, the letter will be sent by first class post. The Chair will indicate that s/he will recall all parties if during the governors' discussions, they wish to seek further clarification. In the meantime, the parents/carers or their representative, the student, the academy representative(s) and any governors whose connection with the excluded student requires them to withdraw, must leave the meeting.

- (xviii) The Chair will then invite governors to consider the permanent exclusion in the light of the Exclusion Policy, which has been agreed by the Academy's Governing Body.
- (xix) If the Committee's decision is to proceed with a permanent exclusion, the Clerk will be asked to inform the parents/carers or their representative, student and the academy staff, that they are no longer required and may leave if they wish to do so. In this case the Clerk will explain to the parents/carers or their representative that s/he will write a letter to them on the next academy day and post it to them by first class post.

If the Clerk is not present, the Chair of the Discipline Committee will inform him/her of the decision at the end of the meeting by email or by telephone early on the next academy day.

8.2 Areas for consideration by the Discipline Committee

Before reaching a decision about whether or not to uphold the exclusion the Discipline Committee may wish to consider:

- The efforts or strategies taken by the academy to address the behavioural needs of the student. For example: involving parents/carers; setting reasonable behavioural targets; withdrawing privileges; internal suspension from lessons.
- The intervention requested by the academy from external agencies. For example: Social Services, Behavioural Support Team, Educational Psychologist, Youth Service.
- The effort the academy has made to consult key people. For example: local support services and outside agencies, the parents/carers.
- The extent to which the student's return to the academy would be seriously detrimental to the safety, welfare and education of other students.

If, during discussion, it becomes evident that the Exclusion Policy needs to be amended, the governors may recommend that as a separate issue. They must, however, use the agreed and published policy in respect of the case being considered.

8.3 Decision of the Discipline Committee

The Chairman will ask governors to decide to vote on one of two initial decisions:

- (i) Uphold the permanent exclusion.
- (ii) Direct the Principal to reinstate the student.

In the event of a tied vote, the Chair will cast a second vote.

If the decision is to uphold the permanent exclusion, the Chair will ask governors to decide which of the following three reasons for exclusion should be included in the letter to parents/carers:

- (i) Return to the academy could be seriously detrimental to the education of other students.
- (ii) Return to the academy could be seriously detrimental to the safety and/or welfare of other students and/or staff.
- (iii) Return to the academy could be seriously detrimental to the education of other students and the safety and welfare of other students or staff.

If the governors' decision is to direct re-instatement, the Chair will ask the Discipline Committee to agree the date on which the student will be reinstated. Normally, the student will be reinstated as soon as possible. The letter to parents/carers will be posted on the next academy day by first class post and, therefore, the student could return the day after this, i.e. the third Academy day after the meeting. This would give time for the Principal to inform all staff of the decision. It would also give time for a smooth transitional return for the student.

In any event, the date of return must be within five academy days of the meeting at the latest.

If an exclusion is taken to the Independent Appeal Committee, the governing body will be represented by the Chair of the Discipline Committee and one volunteer from the Discipline Committee, or a legal representative.

Related policies/procedures:
Behaviour Management Policy

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