

# Exclusions Policy

## Fairfax Multi-Academy Trust

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## 1. Introduction

- 1.1.** This policy is an appendix of the Student Behaviour and Discipline Policy. This policy identifies and informs the Trust's use of exclusions.
- 1.2.** It is underpinned by the shared commitment of all members of the Trusts community to achieve two important aims:
- 1.2.1.** To ensure the safety and well-being of all members of the Trust's community and to maintain a calm and orderly climate for learning in which all students can learn and succeed.
- 1.3.** To realise the aim of preventing the need to use exclusion as a sanction by ensuring that early intervention work is put into place.

## 2. Rationale

- 2.1.** The decision to exclude a student will be taken in the following circumstances:
- 2.1.1.** In response to a serious breach or persistent refusal to co-operate with the Student Behaviour and Discipline Policy
- 2.1.2.** If by allowing the student to remain at the Academy it would seriously harm the education or welfare of other students or adults in the Academy
- 2.1.3.** Bringing the Academy into disrepute
- 2.2.** Exclusion is the most extreme sanction within each Academy's Behaviour and Discipline Policy and can only be actioned by the Head of Academy or another member of the Leadership Team nominated by the Head of Academy.
- 2.3.** Fixed-period and Permanent Exclusions may be used for any of the following, all of which constitute examples of unacceptable behaviour and are infringements of the Behaviour and Discipline Policy:
- 2.3.1.** Verbal abuse to staff and others
- 2.3.2.** Verbal abuse to students
- 2.3.3.** Physical abuse to/attack on staff
- 2.3.4.** Physical abuse to/attack on students
- 2.3.5.** Indecent behaviour
- 2.3.6.** Damage to property
- 2.3.7.** Misuse of illegal drugs or prescription drugs
- 2.3.8.** Misuse of other substances
- 2.3.9.** Theft
- 2.3.10.** Serious actual or threatened violence against another student or a member of staff
- 2.3.11.** Sexual abuse or assault
- 2.3.12.** Supplying illegal or prescription drugs, possession of illegal drugs or large quantities of prescription drugs
- 2.3.13.** Possession of an object which could be perceived as an offensive weapon
- 2.3.14.** Supplying an object which could be perceived as an offensive weapon
- 2.3.15.** Using an object which could be perceived as an offensive weapon
- 2.3.16.** Arson
- 2.3.17.** Unacceptable behaviour and lack of compliance which has previously been reported and for which academy sanctions and other interventions have not been successful in modifying the student's behaviour
- 2.3.18.** Inappropriate use of IT
- 2.3.19.** Bringing the academy into disrepute



**2.4.** This is not an exhaustive list and there may be other situations where the Head of Academy makes the judgement that exclusion is an appropriate sanction.

### **3. Exclusion Procedure**

**3.1.** Most exclusions are of a fixed-period nature and are of short duration (between one and five days) with additional support before, during and after the exclusion. Exclusion from academy premises may be extended with periods in isolation.

**3.2.** Current legislation allows the Head of Academy to exclude a student for one or more fixed periods not exceeding 45 academy days in a year. However, the Academy is expected to make provision for an excluded student on or after the 6<sup>th</sup> day of exclusion.

**3.3.** A subcommittee of the Trust Board – the Education Committee, is informed half-termly of all exclusions issued by the Academy and the reasons for those exclusions.

**3.4.** Following the decision to exclude, parents are contacted immediately by telephone 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 Academy Association and the LA as directed in the letter. Work will be provided during this time.

**3.5.** A return-to-school meeting with the parent(s) and student will be held following the expiry of the fixed period exclusion and this will involve a member of the Leadership Team, Head of Year and other staff if appropriate.

**3.6.** Upon return after exclusion, it is academy practice to give the student concerned any support deemed appropriate dependent upon the reason for the exclusion, e.g. a Peer Mentor, anger management support, referral to the Behaviour Support Service.

**3.7.** During the course of a fixed-period exclusion where the student is to be at home, it is made clear to parents in the exclusion letter that the student is not allowed on the Academy site or in the vicinity of the Academy premises and that daytime supervision is their responsibility as parents/guardians. Parents who fail to adhere to this may be subject to Parenting Orders being issued.

### **4. Permanent Exclusion**

The decision to exclude a student permanently is a serious one and one that is not taken lightly. Permanent exclusion may arise from two types of situations:

**4.1.** A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other unsuccessful strategies. It is an acknowledgement that all available strategies have been exhausted and Permanent Exclusion is used as a last resort. This would include persistent and defiant misbehaviour including bullying or repeated possession and /or use of an illegal drug on the Academy's premises.

**4.2.** In exceptional circumstances where it is not appropriate to implement other strategies and where it is appropriate to permanently exclude a student for a first "one-off" offence. These might include:

**4.2.1.** Serious actual or threatened violence against another student or member of staff

**4.2.2.** Sexual abuse or assault

**4.2.3.** Supplying an illegal drug or possession of large quantities of illegal substances; this can include prescription drugs

**4.2.4.** Carrying an item perceived to be an offensive weapon



#### **4.2.5. Arson**

This list is not exhaustive and there may be other occasions where a permanent exclusion for a one-off incident is issued.

**4.3.** The Academy will also involve the police for any of the above offences.

### **5. Factors considered before making the decision to exclude**

**5.1.** Exclusions will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy or to the student concerned.

**5.2.** Before deciding whether or not to exclude either permanently or for a fixed period, the Head of Academy/nominated member of the Leadership Team will:

**5.2.1.** Ensure appropriate investigations have been carried out.

**5.2.2.** Consider all of the evidence available to support the allegations, taking into account the Student Behaviour and Discipline Policy.

**5.2.3.** Allow the student to give her/his version of events.

**5.2.4.** Check whether or not the incident may have been provoked e.g. by bullying or by racial or sexual harassment.

**5.3.** If the Head of Academy is satisfied that on the balance of probabilities the student did what she/he is alleged to have done, exclusion may be the outcome.

### **6. Exercise of discretion**

**6.1.** In reaching a decision, the Head of Academy/ member of Leadership Team nominated by the Head of Academy, will always look at a case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

**6.2.** In considering whether or not permanent exclusion is the most appropriate sanction, the Head of Academy will consider a) the gravity of the incident or series of incidents and whether or not it constitutes a serious breach of the Student Behaviour and Discipline Policy and b) the effect that the student remaining in the Academy would have on the education and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, drugs, in cases of sexual abuse, serious violence etc. it is the Academy's usual policy in these particularly serious matters to issue a permanent exclusion.

**6.3.** In line with its statutory duty, these two same tests of appropriateness will form the basis of the deliberations of the Associates` Student Disciplinary Group, when it meets to consider the Head of Academy`s decision to exclude. This group will require the Head of Academy 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.

### **7. Behaviour outside the Academy**

**7.1.** Students' behaviour outside the Academy on academy visits, trips, sporting fixtures, work experience placements, for example, is subject to the Student Behaviour and Discipline Policy. Bad behaviour in these situations will be dealt with as if it had taken place at the Academy.



**7.2.** For behaviour outside of 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. For poor behaviour outside the academy that brings the academy into disrepute, exclusions may also be issued.

**7.3.** If students' behaviour in the vicinity of the Academy or on a journey to and from the Academy is poor and meets the Academy's criteria for exclusion, then the Head of Academy may decide to exclude.

## **8. Lunchtime Exclusion**

**8.1.** Students whose behaviour at lunchtime is disruptive may be excluded from the Academy's premises for the duration of the lunchtime period for a period of up to five days.

## **9. Drug-related exclusions**

**9.1.** In deciding whether or not to exclude for a drug-related offence, the Head of Academy's decision will depend on the precise circumstances of the case and the evidence available. In some cases, fixed period exclusions will be more appropriate than permanent exclusion.

## **10. Alternatives to exclusion:**

**10.1.** Alternative strategies to exclusion are included in the Student Behaviour and Discipline Policy. All Trust Academies work closely with each other, with other secondary schools in their vicinity and outside their local areas to undertake managed moves where such a course of action would be of benefit to the student and the two schools concerned.

## **11. Academy Associations**

**11.1.** Academy associations perform the key role of determining whether a permanently excluded student should be re-instated. This involves reviewing the decision of the Head of Academy and considering the outcome of any independent review panel hearing.

## **12. Independent Review Panels.**

**12.1.** The role of the Independent Review Panel is to review the Academy Associations decision.

**12.2.** The independent review panel can a) uphold the decision to permanently exclude a pupil b) recommend that the Academy Association reconsider its decision or c) direct the Academy Association to reconsider its decision. A direction to reconsider is limited to circumstances where a panel decides that the Academy has acted illegally, irrationally or where there are significant flaws in procedure.

**12.3.** Where an Academy Association decides not to re-instate a student following a direction from a panel to reconsider its decision, the panel is expected to require a payment of £4000 towards the cost of alternative provision for the excluded student.

**12.4.** Where a parent alleges discrimination (under the Equality Act 2010) in relation to a fixed period or permanent exclusion, they are able to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

