

West End Academy



## **Exclusion Policy**

**Reviewed: September 2022**

**Next review date: September 2023**

West End Academy is committed to being a fully accessible and inclusive organisation welcoming and respecting the diversity of its pupils, staff, community and visitors to the academy.

## **Rationale**

This policy is underpinned by the commitment of all at West End Academy to ensure the safety and well-being of the whole academy community and to maintain an appropriate education environment in which all can learn and achieve.

## **Introduction**

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

- a. In response to a serious breach of the academy's Positive Behaviour Policy.
- b. 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 used by the headteacher (or, in the absence of the Headteacher, a member of the Senior Leadership Team 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 pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period, the headteacher will ensure appropriate investigations have been carried out, considering all the evidence available.

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.

- Unacceptable behaviour which has previously been reported and for which the academy sanctions and other interventions have not been successful in modifying and pupil's behaviour.
- Verbal abuse to staff and others
- Verbal abuse to pupils

- Physical abuse to/attack staff
- Physical abuse to/attack pupils
- Misuse of illegal drugs or other substances including supplying
- Theft
- Sexual abuse or assault
- Carrying an offensive weapon
- Arson

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 one and three days).
- The DfE regulations allow the headteacher to exclude a pupil for one or more fixed periods not exceeding 45 academy days in any one academic year.
- 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 governing body and as directed in the letter.
- A 'return to the Academy' meeting will be held following the expiry of the fixed term exclusion and this will involve the pupil, parent, the headteacher or deputy headteacher, and other staff where appropriate.
- It is the academy practice to monitor behaviour and work of the pupil very closely for the period following exclusion.
- 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. This needs to be agreed with the academy, pupil, parents and any agencies involved.
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the academy premises, and that daytime supervision is their responsibility, as parents/guardians.

## Permanent Exclusion

The decision to exclude a pupil 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 including bullying (which could include racist, homophobic bullying or cyber).

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\*
- 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 their representative 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 pupils remaining in the academy would have on the education and welfare of other pupils and staff.

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

## **Alternatives to Exclusion**

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

## **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 will have the same right to gain information and to appeal.

## **Behaviour Outside the Academy**

Pupils' behaviour outside academy of academy "business" for example academy trips and journeys or away academy sports fixtures is subject to the academy's Positive Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in academy. If pupils' behaviour in the immediate vicinity of the academy or on a journey to and from academy is inappropriate and meets the academy criteria for exclusion then the Headteacher may decide to exclude.