

Open Academy

Exclusion Policy

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| Policy Type: | Academy Policy |
| Approved By: | Local Governing Body |
| Date Approved by LGB: | 17/05/2018 |
| Review Date: | February 2021 |
| Person Responsible: | Principal |

Summary of Changes

The policy has been amended as follows.

| Page Ref. | Section | Amendment | Date of Change |
|------------------|----------------|--|-----------------------|
| 3 | Introduction | Introduction of Persistent Non-Compliance to reasonable requests | July 19 |
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General Policy Roles and Accountabilities

The Diocese of Norwich Education and Academies Trust (DNEAT) is accountable for all policies across its Academies. All policies, whether relating to an individual Academy or the whole Trust, will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high-quality education in the context of the Christian values of service, thankfulness and humility where individuals are valued, aspirations are high, hope is nurtured, and talents released.

A Scheme of Delegation for each Academy sets out the responsibilities of the Local Governing Body and Principal. The Principal of each Academy is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

Open Academy Exclusion's Policy

The Open Academy is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its student, staff, community and visitors to the Academy.

Rationale

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

The Open Academy uses the latest statutory guidance from the DFE, 'Exclusion from maintained schools, academies and pupil referral units in England'.

We have an overall aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a student will be taken by the Principal in the following circumstances:-

- (a) In response to a serious breach, or persistent breaches, of the Academy's Positive Behaviour Policy;
- (b) Where a student's behaviour means allowing the student to remain in the Academy would be detrimental to the education or welfare of the student or others in the Academy.

Exclusion is an extreme sanction and is only used by the Principal (or, in the absence of the Principal, the Vice Principal 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 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, 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:

- Persistent Non-Compliance to reasonable requests
- Verbal abuse to student
- Physical abuse to/attack on Staff
- Physical abuse to/attack on student
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Carrying an offensive weapon
- Arson.
- Unacceptable behaviour which has previously been reported and for which the Academy sanctions and other interventions have not been successful in modifying the student's behaviour.

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction. The period of exclusion will be determined on a case by case basis.

Exclusion procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- 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 or 15 days in any one term.
- 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 Governing Body and Children's Services Directorate, Social Inclusion Officer at the LA as directed in the letter.
- A 'reintegration' meeting will be held following the expiry of the fixed term exclusion and this will involve the student, parent/carer, a member of the Senior Leadership Team, and other staff where appropriate.
- After a fixed term exclusion the student will spend at least one day in Inclusion.
- It is the Academy's practice to monitor behaviour and work of the student very closely for the period following exclusion. This may mean the use of a report or close support by staff.
- During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.

Governing Body Exclusion Panel - convened when a student has more than 15 FEX days in one term

The panel is officially considering reinstatement for the most recent **exclusion** that triggers over 15 days but they should also look at all other exclusions and make recommendations. They should take a holistic view of all the exclusions as a student excluded for more than 15 days in a term is at risk of permanent exclusion. The student has missed a significant amount of schooling and the panel needs to explore what the school is doing or will do to prevent this.

Governors will need to consider reinstatement for the period of the fixed term exclusion, and this could result in 3 options:

- They could decline to reinstate for the period of the fixed term exclusion (i.e. they agree with the Principal's decision and the whole of the exclusion still stands); or
- Reinstate from a date before the end of the fixed term exclusion (i.e. they felt the length of exclusion was not reasonable or proportionate and decided to shorten it); or
- Reinstate for the whole of the period (i.e. they felt the exclusion itself was unreasonable, unlawful or disproportionate in some way).

For the last two outcomes, if the student is already back in school because the exclusion has ended, (which is usually the case) then Governors would simply place a note of their decision on the student's record. The total number of days of exclusion for that student would then be adjusted.

Permanent Exclusion

The decision to exclude a student permanently is a very serious one. Permanent exclusion may be considered only:

(a) In response to a serious breach, or persistent breaches, of the Academy's Positive Behaviour Policy;

AND

(b) Where a student's behaviour means allowing the student to remain in the Academy would be detrimental to the education or welfare of the student or others in the Academy.

Exercise of Discretion

In reaching a decision, the Principal or Vice 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. A tariff system does exist but only as a guideline.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach, or persistent breaches, of the Academy's Positive Behaviour Policy and the effect that the student remaining in the Academy would have on the education and welfare of other students and staff.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations at a Governors' exclusion appeals hearing/meeting, when it meets to consider the Principals 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 student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another school.

Lunchtime Exclusion

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as a half day fixed term exclusion and parents will have the same right to gain information and to appeal.

Behaviour Outside the Academy

Student behaviour outside the academy on school 'business' for example educational visits and journeys, away from school sports fixtures run by the Academy or external providers, out of hours sports clubs run by the Academy or external providers or a work experience placement, 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 the Academy. If a student's behaviour in the immediate vicinity of the Academy or on a journey to and from the Academy is inappropriate and meets the Academy's criteria for exclusion then the Principal may decide to exclude or implement alternative sanctions.

Drug Related Exclusions

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 and will also seek advice from the LA's Drugs Education Advisor and Safer schools officer.