

# Exclusion Policy

Camborne Science and International Academy



<b>Approved by:</b>	Governors' Policy Committee	<b>Date:</b> 29 <sup>th</sup> March 2018
<b>Last reviewed on:</b>	March 2017	
<b>Next review due by:</b>	Spring 2019	

All CSIA policies are reviewed by the Governors' Policy Committee (which meets termly), according to a fixed schedule. On extremely rare occasions, there may be circumstances where an event (for example, a change in legislation/national guidance), necessitates a policy being amended immediately, outside of this schedule.

Where this is necessary, the Principal will seek permission from the Chair of the Governors' Policy Committee, to amend the policy immediately. The Principal will then confirm details of any amendments with all members of the committee by email and the policy will be reviewed at the next scheduled meeting of the committee.

## **Exclusion Policy**

Camborne Science and International Academy is committed to being a fully accessible and inclusive organisation welcoming and respecting the diversity of its students, staff, community and visitors to the school. The school complies with the requirements of The Equality Act 2010.

We are an inclusive school for students and parents/carers who agree to meet and actively support the behaviour and learning expectations of the school.

## **Rationale**

This policy is underpinned by the commitment of all at Camborne Science and International Academy to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve to their full potential. This policy applies in school, when students are travelling to and from school, when students are in uniform, when students are attending alternative educational provision and on educational visits.

## **Introduction**

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

- In response to a serious breach (as defined by the school) of the School's Behaviour for Learning Policy; AND
- If allowing the student to remain in school would/may seriously harm the education or welfare of the student or others in the school

Exclusion is an extreme sanction and only the Principal (or, in the absence of the Principal, a Vice Principal who is acting in that role) may make such a decision.

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, including (where possible) evidence from the student who may be excluded.

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 School's Behaviour for Learning Policy:

- Verbal abuse/swearing directed at a member of staff
- Verbal abuse/swearing directed at students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Possession of drugs, possession of drugs paraphernalia, selling of drugs, purchasing of drugs, contributing to the purchase of drugs, commissioning the purchase of drugs and consumption of drugs in any form.
- Theft

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Possession of an offensive weapon, replica weapon or article deemed to be offensive or dangerous. Actual/implied threatening behaviour towards a member of staff or a student with an offensive weapon, including on the way to/from school site.
- Arson
- Unacceptable behaviour which has previously been reported and for which school 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.

### **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.
- In the event of an exclusion being issued a member of the Senior Leadership Team will attempt telephone contact with the parents/carers to inform of the exclusion. The reasons for the exclusion will be provided and a date for a post exclusion meeting will be agreed (for fixed term exclusions). Where possible, telephone contact will be made during the working day on the day the exclusion has been issued. A record of contact/attempted contact will be maintained including times and response of parents/carers. A letter will be sent by post confirming details of the exclusion and the date the exclusion ends.
- Parents have a right to make representations to the Governing Body as directed in the letter.
- A 'return to school' 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.
- It is school 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 of staff.
- 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 school, student, parents and any agencies involved.
- 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 school premises, and that daytime supervision is their responsibility, as parents/carers. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority may issue a fixed penalty notice.

### **Fixed term exclusions over five days**

According to the legislation, school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer. The school will liaise with the Local Authority for any exclusion of more than five days in order that the right full time education and transport is arranged, including consecutive fixed term exclusions exceeding more than five days.

### **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.

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.
- Drug/Alcohol related offences
- Carrying an offensive weapon\*.
- Arson.
- Deliberate damage to school site/property
- The use of social media sites that cause offence to the academy or any of its members, past or present.

The School 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 [or her] for such use by him [or her]."

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 School.

Before deciding whether to exclude a student either permanently or for a fixed period the Principal will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations has been collated, taking into account the school's Behaviour and Equality Policies.
- The student has been offered the opportunity where practicable to give her/his version of events.
- There is no evidence which may indicate that the incident may have been provoked, for example by bullying or by racial or sexual harassment.

If the Principal is satisfied that, on the balance of probabilities, the student has breached the behaviour policy and that their continued attendance on the school site would seriously harm their education/welfare or that of others in the school community, permanent exclusion will be the outcome.

### **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.

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 of the School's Behaviour for Learning Policy and the effect that the student remaining in the school would have on the education and welfare of other students and staff.

The school will inform parents by phone call when the decision has been taken to issue a 'Permanent Exclusion' for a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out. Parents/Carers are also informed of their rights regarding their rights to make representations to the governing body on the exclusion.

### **SEN students and Permanent Exclusion**

Whether or not the school recognises that a student has special educational needs (SEN), all parents (or students) if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student. The school will have due regard for the SEN Code of Practice.

### **Requesting a review of the Governors' decision**

Where parents (or excluded student, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded student. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a student, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

### **Alternatives to Exclusion**

The School 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 to move their child to another school.

The school will consider issuing an internal exclusion in our Close Supervision Room where students will follow an alternative school day of 8.30am – 4pm.

Where an exclusion is considered for a student that repeatedly fails to meet the expectations of the Behaviour for Learning Policy consideration will be given to holding a Governors Behaviour Meeting. The meeting will be attended by the student, parent/carer, Vice Principal and a governor. The meeting will provide the opportunity for the Vice Principal to share the schools concerns and allow the governor to agree behaviour targets with the student and parent/carer. Targets agreed, monitoring deadlines and support provision will be confirmed in writing by the Vice Principal. Exclusion will be considered where the student fails to meet the expectations agreed in the Governors Behaviour Meeting.

### **Lunchtime Exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.

### **Behaviour Outside School**

Students' behaviour outside school on school "business", for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the School's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in School. If students' behaviour in the immediate vicinity of the School or on a journey to and from school, including lunchtimes, fails to meet the expectations of the Behaviour for Learning Policy and meets the school criteria for exclusion then the Principal may decide to exclude.

### **Drug Related Exclusions**

In making a decision on whether or not to exclude for a drug-related issue the Principal will have regard to the School's published policy on drugs.

Supporting document in forming this policy – Exclusion from maintained schools, academies and pupil referral units in England (Statutory guidance DfE September 2017)

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