



# NORTH BIRMINGHAM ACADEMY

## EXCLUSIONS POLICY

### Rationale

This policy, which is an appendix of the Pupil Discipline, Behaviour & Exclusions Policy, deals with the policy and practice which informs the Academy's use of exclusion. It is underpinned by the shared commitment of all members of the Academy community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the Academy community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

### Introduction

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

- (a) In response to a serious breach of the Academy's Behaviour Policy;
- (b) If allowing the student to remain in Academy would seriously harm the education or welfare of the student or others in the Academy.

Exclusion is an extreme sanction and is only administered by the Principal (or, in the absence of the Principal, the Vice Principal).

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 Behaviour Policy:

- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.

- Arson.

Unacceptable behaviour which has previously been reported and for which 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.

### **Exclusion procedure**

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The DCSF regulations allow the Principal to exclude a student for one or more fixed periods not exceeding 45 Academy days in any one Academy year.
- The Governors have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a student being excluded for over 15 days in a Academy term or missing a public examination.
- The Governors have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a Academy term where a parent has expressed a wish to make representations.
- 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 Local Governing Body and the LA as directed in the letter.
- A return to Academy meeting will be held following the expiry of the fixed term exclusion of 6 days or more and this will involve a member of the Senior Leadership Team, the Head of House and other staff where appropriate.
- It is Academy practice to place the student on report to the Assistant Dean of House usually for one week to monitor behaviour and work. If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days. a Pastoral Support Plan will be considered. This needs to be agreed with the Academy, student and parents.
- A fixed term exclusion will often take the form of an "internal" exclusion, with the student being excluded into the Academy's Direct Alternative to Exclusion (DATE) room. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the student being required to remain at home.

- 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 Academy premises, and that daytime supervision is their responsibility, as parents/guardians. In line with legislation he/she is not allowed to be present in a public place during Academy hours without reasonable justification. Work will be set by the Academy for the period of exclusion.

## **Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences 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 would include racist or homophobic bullying) or repeated possession and or use of an illegal drug on Academy premises.
2. 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 student for a first or 'one off offence. These might include:
  - Serious actual or threatened violence against another student or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug
  - Carrying an offensive weapon
  - Arson

The Academy, in line with its protocols, 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.

General factors the Academy considers before making a decision to exclude:-

- Exclusion will not be imposed instantly unless 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.
- Consider all the evidence available to support the allegations taking into account the Student behaviour, Equal Opportunity and Race Equality Policies.
- Allow the student to give her/his version of events.
- Check whether 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 did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of discretion**

In reaching a decision, the 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 a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Academy's Pupil Behaviour 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, it is the Academy's usual policy in this particularly serious matter to issue a permanent exclusion.

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

### **Alternatives to Exclusion**

The Academy actively pursues a policy of using alternatives to both Fixed Term and Permanent exclusions in the following ways.

- As mentioned above, a fixed term exclusion, dependent upon the circumstances may be served in the Academy's DATE room. In such cases the exclusion will not appear on the student's record.
- A student with a poor disciplinary record who may be close to a permanent exclusion will be referred to the Student Referral Group (SRG). A Pastoral Support Plan (PSP) will be put into place and the student will be monitored. Should the PSP be unsuccessful then the student may be referred to the mentoring service and other types of one to one support. In cases where behaviour has been extreme then the student may be referred to the Positive Behaviour Unit (PBU) for an intensive period of therapeutic work.
- Should the PSP and /or other measures fail and a student is deemed to be very close to permanent exclusion then he/she, subject to meetings with parents, may be referred to the Academy's Alternative Education Centre for a fixed period of time.

- The Academy works with other secondary Academics to undertake managed moves where such a course of action would be of benefit both to the student and the Academics concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another Academy.

### **Behaviour Outside Academy**

Students' behaviour outside Academy on Academy "business" for example Academy trips and journeys, away Academy sports fixtures or a work experience placement is subject to the Academy's Behaviour Policy. Inappropriate behaviour In these circumstances will be dealt with as if it had taken place in the Academy.

For behaviour outside 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. If students' behaviour in the immediate vicinity of the Academy or on a journey to and from Academy is poor and meets the Academy criteria for exclusion then the Principal may decide to exclude.

### **Drug Related Exclusion**

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the Academy's published policy on drugs and will also seek advice from the LA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Principal will make a judgment set against the criteria In the Academy's Drugs Policy.

**Approved by NBA Governors on:** .....

**Date of Next Review:**.....

**Lead Manager:** .....