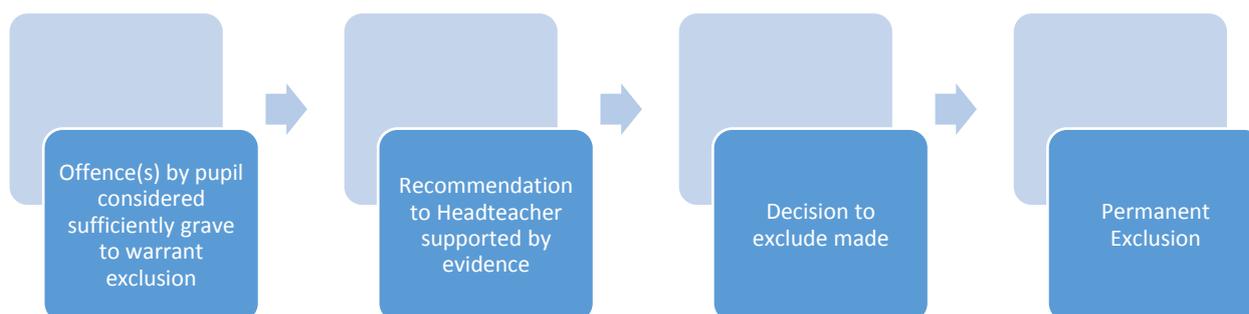


EXCLUSION POLICY

1. Process Summary



2. Legislation

This policy should be read alongside the legislation it relates to:

- Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Exclusions from maintained schools, Academies and pupil referral units in England (2012)

3. Fixed Term Exclusions

All decisions to exclude are serious and only taken as a last resort or where the breach of the Academy rules is serious. The following are examples;

- Failure to comply with a reasonable request from a senior member of staff
- Failure to wear Academy uniform which has been provided (where possible)
- Breaches of health and safety rules
- Verbal abuse of staff, other adults or students
- Possession of drugs and/or alcohol related offences
- Failure to comply with the requirements of the 'Consequence System' see section 2 above
- Wilful damage to property
- Homophobic or racist bullying

- Bullying
- Sexual misconduct
- Theft
- Making a false allegation against a member of staff
- Persistent defiance or disruption.
- Minor assaults or fighting that is not premeditated or planned
- Other serious breaches of Academy rules

4. Permanent Exclusion

'A decision to exclude a pupil permanently should only be taken:

- In response to serious or persistent breaches of the school's behaviour policy; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school'.

(DfE 'Exclusion from maintained schools, Academies and pupil referral units in England 2012)

Only the Head of School can exclude a pupil and this must be on disciplinary grounds. The Head of School will make the judgement, in exceptional circumstances, where it is appropriate to permanently exclude a child for a first or 'one-off' offence:

- Serious actual or threatened physical assault against another student or a member of staff;
- Sexual abuse or assault;
- Supplying an illegal drug;
- Possession of an illegal drug with intent to supply;
- Carrying an offensive weapon;
- Making a malicious serious false allegation against a member of staff;
- Potentially placing members of the public in significant danger or at risk of significant harm.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the Academy community.

In addition, the Local Academy Council also considers the following to be serious incidents resulting in the permanent exclusion of a student:

- Deliberate activation of the fire alarm without good intent
- Repeated or serious misuse of the Academy computers for activities that compromise the integrity of the computer network
- Repeated verbal abuse of staff
- Persistent disruption and defiance

5. The Headteacher's Duty

The Headteacher will inform parents, without delay, about the exclusion, and provide the following information in writing:

- The reasons for the exclusion;
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend

The Headteacher will also set out what arrangements have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school.

The Headteacher will also inform the Local Governing Body and the Local Authority, without delay of:

- A permanent exclusion (including where a fixed period exclusion is made permanent);
- Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the Headteacher will notify the Local Governing Body once a term.

6. Provision of Education for Children Excluded for a Period Exceeding 5 days

The Academy recognises the need to keep fixed term exclusions short wherever possible. It is therefore anticipated that exclusions would not exceed 5 days fixed term.

For a fixed period exclusion of more than five school days, the Headteacher will arrange suitable fulltime education for the pupil. This provision will begin no later than the sixth day of the exclusion.

7. Screening, Searching and Confiscation

Please refer to the DfE guidance 'Screening, Searching and Confiscation. Advice for head teachers, staff and governing bodies'.

In addition to the practice identified in the DfE guidance, Future Academies also ban the following items and as a result are able to search children for them:

- Any item brought into the Academy with the intention of the item being sold or passed on to other child which, in the Principal's opinion will cause disruption to the Academy or be detrimental to Academy practice.

7.1. Confiscation

- Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.
- Staff should hand the confiscated item to the relevant member of the Senior Leadership Team as soon as possible and complete the necessary information to identify the item, the date it was confiscated, the name of the child and the member of staff's name. Staff must not give the confiscated item to another child to hand in and must not leave the item in an unsecure area at any time.
- Any item which staff consider to be dangerous or criminal i.e. drugs must be brought to the attention of a senior member of staff immediately.
- Items confiscated by the Academy can be collected by parent/carers except where the Academy has chosen to dispose of the confiscated items, e.g. cigarettes, alcohol, lighters. Children cannot collect any item themselves until the end of the half-term period i.e.: if a child has their mobile phone confiscated then their parent/carer can collect the phone that evening or a subsequent day. A child, however, cannot collect their phone for themselves until the end of the day on the last day of that half-term.
- The Academy's general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a child's property as a disciplinary penalty, where reasonable to do so.
- The Principal will use their discretion to confiscate, retain and/or destroy any item found as a result.
- Electronic equipment, jewellery and other expensive items that has been confiscated will be held by the Academy for a period of one year. If, at the end of the year, the item has not been reclaimed, in line with the above policy, then the Academy reserves the right to destroy the item.
- Where alcohol has been confiscated the Academy will retain or dispose of it. This means that the Academy can dispose of alcohol as they think appropriate (or return it to a parent/carer but this should not include returning it to the child).
- Where the Academy finds controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the Principal thinks there is a good reason to do so.
- Where the Academy finds other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

- Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the Principal thinks that there is a good reason to do so.
- Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that the Academy can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the student.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the child.
- If a member of staff finds a pornographic image, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police or to retain the image whilst the Academy carries out its own investigation.
- Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- Where a member of staff finds an item which is banned under the Academy rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Any weapons or items which are evidence of a serious offence must be passed to the police as soon as possible or retained whilst the Academy carries out its own investigation.

8. CCTV

Tuner Schools may use CCTV for the purpose of maintaining discipline and managing behaviour and safety. A separate policy exists which covers the use of CCTV.

9. Use of Reasonable Force

Please refer to the DfE guidance 'Use of reasonable force. Advice for head teachers, staff and governing bodies'.

All members of Academy staff have a legal power to use reasonable force. This power applies to any member of staff at the Academy. It can also apply to people whom the Principal has temporarily put in charge of children such as unpaid volunteers, cover staff or parents/carers accompanying children on an Academy organised visit.

10. Exclusions Committee of the Local Governing Body

A meeting of the Exclusions Committee will be convened by the Local Governing Body when:

- A student has received over 15 days' exclusion in one term;
- Recommendation of permanent exclusion is made by the principal for a one-off incident



The Exclusions Committee will comprise of 3 members of the Local Governing Body who can hear the case impartially. If a member has a connection with the student, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down.

The Exclusions Committee can uphold an exclusion or direct the student's reinstatement, either immediately or on a particular date.

The meeting must be convened between the 6th and 15th school day after the date of receipt of notice to consider the exclusion.

The Clerk will circulate the paperwork for the Exclusions Committee meeting to all parties invited to attend at least 5 days in advance of the meeting.

The parent/carer has the right to attend the meeting, and/or make written representations. This should be submitted to the Clerk as soon as possible before the meeting. The parent/carer may bring a friend or a legal representative if they wish.

The Principal, a member of the Senior Leadership Team, the student's class teacher may also be invited to attend the meeting. Parents/carers have the right to invite the Local Authority Exclusions Team Manager to attend the meeting.

Within one school day of the meeting, a letter will be sent detailing the decision of the Exclusions Committee. Following a permanent exclusion, the letter will also detail the procedure for appeal, which will be heard by an Independent Appeal Panel convened by the Local Authority. The parent/carer has 15 school days after the day on which notice in writing was given of the Exclusion Committee's decision, if delivered directly. If the notice in writing is posted first class, two additional days are added for postage.

11. Independent Appeal Panel

Each Future Academies school will have in place an Independent Appeal Panel and a parent/carers' right to appeal to this Independent Panel will be outlined in the letter following a permanent exclusion being upheld by the Local Governing Body. Future Academies will, at their own expense, arrange for this independent review panel hearing to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

The legal time frame for an application to appeal to the independent panel is set out in the DfE guidance.



12. Police

Future Academies will involve the Police in all matters where criminal activity has taken place or is suspected of having taken place. In addition, Future Academies will inform the Police of any intelligence which may support the Police in preventing or tackling criminal activity.

A student and his or her family have the right to contact the Police if they feel that a criminal offence has been committed.