

***Exclusion Policy***  
***November 2020***

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## 1. Guiding principles

- 1.1 This policy aims to minimise the time, which learners spend out of The JCB Academy because learning time for all learners is valued. Exclusions will, therefore, be used sparingly and restricted to serious breaches of the academy's Behaviour Management Policy.
- 1.2 Exclusion is a disciplinary sanction which can be used only by the Principal or a designated person acting in the Principal's absence.
- 1.3 Exclusions are used sparingly; alternative sanctions are always considered and used whenever they are more appropriate.
- 1.4 Permanent exclusion will be used only as a last resort and when allowing the learner to remain in the academy would be seriously detrimental to the education or welfare of the learner, or that of others at the academy.
- 1.5 Counselling, support and advice are seen as important behaviour modification measures, which will be used both alongside and as an alternative to exclusion.

## 2. Consequences for unacceptable behaviour which will be used as alternatives to exclusion (or used alongside exclusion)

- Additional work to be completed at home
- Detention
- Report card
- Internal exclusion (isolation)
- Contact with parents<sup>1</sup>
- Behavioural agreement with the learner and his/her parents
- Behaviour support plan
- Input from other agencies where appropriate

## 3. Preliminary factors to be considered prior to exclusion

- Previous behavioural record.
- Extenuating domestic or other circumstances.
- Parental, peer or other pressures, which may have contributed to the behaviour.

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<sup>1</sup> Within this document, the term *parent* refers to those with parental responsibility for a learner



- Whether the incident involved or was provoked by racial or sexual harassment.
- The severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring.
- Effects on other people in the academy, especially the effects on their safety and welfare and whether or not the misbehaviour seriously disrupts the education of other learners.
- Whether the incident was perpetrated by the learner on his/her own or as part of a group.
- Whether or not the behaviour occurred at the academy or when the learner was on the way to, or from, the academy. If the latter, consider the extent to which the behaviour had a serious negative impact on the life or "reputation" of the academy.
- The appropriateness of seeking the support of other agencies, such as the education social worker, educational psychologist, or behaviour support service.
- The appropriateness of providing special educational needs support.

#### 4. **When exclusion is not appropriate**

- Non-attendance at the academy (this applies to pre-16 learners only).
- Failure to complete homework.
- Breaking a behavioural agreement. (It is the specific incident, which might lead to exclusion, not the broken agreement.)
- Pregnancy.
- Contravention of uniform regulations.
- Minor offences.

#### 5. **Behaviour which is likely to lead to exclusion**

Learners will normally be suspended if they assault or bully learners. In a very minor case, the suspension will be lesson suspension and the length of that suspension will be the time that is taken to undertake an enquiry into the behaviour. In other instances, exclusion from the academy will be the appropriate response.

Learners are regularly reminded that swearing in the academy is inappropriate. If a learner swears directly at a member of staff, the learner will be excluded from the academy for up to five days.



Learners should expect to be excluded if they are found in possession of drugs<sup>2</sup> or weapons at the academy. The emphasis is on 'expect'; much depends upon the use and intended purpose of the substances and on the circumstances at the time.

Other behaviour might lead to exclusion. For example, if a learner refuses to accept the authority of a member of staff by refusing a reasonable request or instruction and thus the learner undermines the member of staff's authority. The seriousness of this behaviour depends on the audience and context. It is, however, very likely to lead to lesson suspension or in more serious cases, to exclusion from the academy.

### 5.1 Fixed period exclusion

These are examples of serious misbehaviour, which are very likely to result in fixed period exclusion from the academy.

- Consuming alcohol on the academy premises or on an academy trip.
- Unprovoked physical attack on a learner, which caused minor injury or seriously frightened the victim.
- Incidents involving racial abuse.
- Incidents involving sexual harassment.
- Fighting other than minimum self-defence against unprovoked or unavoidable physical attack.
- Theft.
- Serious challenge to staff authority, e.g. swearing at a member of staff.
- Repeated failure to accept the academy authority.
- Persistent disruptive misbehaviour.
- Persistent defiant misbehaviour
- Possession of drugs on the academy premises or on an academy trip.
- Intentional damage to property.

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<sup>2</sup> Within this document, drugs are defined as those that are legal (such as alcohol, tobacco and solvents, legal 'highs', over-the-counter performance enhancing drugs, prescribed drugs, vape oils) and illegal drugs. Please note that this list is not exhaustive



## 5.2 Permanent exclusion

These are examples of behaviour, which are very likely to result in permanent exclusion from the academy.

- Serious misbehaviour of the type which leads to fixed period exclusion persists despite previous sanctions and support.
- Unprovoked serious attack on a learner.
- Assault against a member of staff.
- Possession of a weapon on the academy premises or on an academy trip.
- Serious or repeated damage to the academy property.
- Possession of drugs with a view to supplying to others.
- Possession of drugs on a second occasion.
- Incidents involving racial abuse.
- Incidents involving sexual harassment.

## 6. Period of exclusion

The vast majority of exclusions will last from one to five days, the length of the exclusion being commensurate with the severity of the offence. An exclusion lasting more than five days may be used in response to very serious misbehaviour.

## 7. Roles

### 7.1 Director of KS4

As the academy's most senior pastoral manager, the Director of KS4 plays the key role in many aspects of the exclusions procedure. S/he will:

- Monitor all potential exclusion cases as they emerge, and fully appraise the Principal of these developments.
- Involve outside agencies as appropriate.
- Organise a case conference with parents as one of the strategies to improve the learner's behaviour before it reaches the stage of exclusion or further exclusion.
- In the case of a CLA or SEND learner, ensure the Principal is provided with advice prior to the exclusion decision on what impact this sanction will have on the learner.



## 7.2 Principal

- Only the Principal can make a decision to exclude a learner.
- If the Principal decides to exclude a learner, s/he will instigate the exclusion letter.
- The Principal will ensure that parents are informed of the exclusion.
- In the case of a fixed term exclusion, the Principal will ensure that a reintegration meeting is arranged.
- The Principal will ensure the Body of Trustees and the local authority (LA) are informed without delay of:
  - permanent exclusions;
  - fixed period exclusions of six days or more in a term;
  - exclusions which would result in the learner missing a public examination.

## 7.3 Principal's Personal Assistant

- Details of the exclusion are passed from the Principal to his/her Personal Assistant so that the appropriate letter can be sent to parents, together with work for the learner to complete.
- Copies of the letter will be sent to the Chair of the Board of Trustees and the Clerk to the Board of Trustees.
- Details of the incident and the exclusion will be entered on to SIMS.
- Where appropriate, relevant paperwork will be sent to the LA (and learner's home LA if different).

## 8. Timetable to review exclusions

- All fixed period exclusions. During the first five school days of any exclusion, the academy will set work to be completed at home by the learner. From the sixth school day (not cumulative) of a fixed period exclusion, arrangements will be made for suitable alternative full-time education until the learner returns to school.
- Fixed period exclusions of five days or less. Trustees do not need to meet to consider the exclusion. If representations are received from the parents, the Trustees must consider them but are not required to meet
- Fixed period exclusions of 6-15 days (or cumulative). Trustees do not need to meet unless the parents wish to make representations. Trustees must meet to consider any such representations within 50 school days of receiving notice of the exclusion.



- Fixed period exclusion of 16-45 days (or cumulative) or permanent exclusion. The exclusion notification form will be completed and emailed to the LA together with a copy of the exclusion letter to the parents. Trustees must meet within 15 school days of receiving notice of the exclusion.

## 9. Discipline Committee

### 9.1 Meetings

- Fixed period exclusions of 5 days or less. The Discipline Committee does not need to meet to consider the exclusion. If representations are received from the parents these will be considered by Trustees, but there is no requirement to meet and Trustees cannot direct reinstatement.
- Fixed period exclusions of 6-15 days (or cumulative). The Discipline Committee does not need to meet unless the parents wish to make representations, in which case the committee will meet to consider these representations within 50 school days of receiving notice of the exclusion. Trustees can uphold or overturn the exclusion, but cannot increase its length. Following the meeting, the parents will be notified without delay of the Trustees' decision in writing, stating the reasons.
- Fixed period exclusion of 16-45 days (or cumulative) or permanent exclusion. The Discipline Committee will meet within 15 school days of receiving notice of the exclusion and will decide whether or not to uphold the exclusion.

All meetings of the Discipline Committee will be minuted, normally by the Clerk to the Board of Trustees.

### 9.2 Meetings to consider permanent exclusions

This procedure will be adapted if the parents have asked to make representations in respect of a fixed period exclusion.

- Before the meeting. The quorum is three Trustees. If any Trustee has a connection with the learner, 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 meeting will be arranged to take place within the statutory time limits (see above) and at a time and date convenient to all parties.



Written representations from both the academy and the parents must be circulated at least five days before the meeting.

Taking into account the learner's age and understanding, s/he will be enabled and encouraged to attend the meeting.

No party to the review (including Principal) will be alone with the Trustees at any point before, during or after the meeting.

- At the meeting. The Chair of the Discipline Committee will call the Principal, witnesses, parents and any representative, and, if attending, the LA representative, to join the meeting together. The Principal must not have previously discussed the case with any Trustees attending the meeting.

The Principal and parents (and their representative) should be present throughout the hearing.

Unless there are strong reasons to refuse, the excluded learner will be allowed to attend the meeting (the parent formally remains the appellant unless the learner is 18 or over)

The Chair will ask the Principal to present his/her case, giving the reason(s) for the exclusion and the circumstances surrounding the decision to exclude. The Principal will also outline the steps taken to try and avoid the exclusion.

Parents will be asked to make their representations about the exclusion. If the learner wishes to make representations, s/he will be invited to do so.

The LA representative will be asked if s/he has any comments.

Either party may introduce witnesses, though these must restrict their evidence to what is directly relevant to the circumstances of the exclusion.

All parties, as well as Trustees, will be given the opportunity to question each other.

The role of the Chair is to ensure that all necessary information has been provided so that the Trustees may make an informed decision on the exclusion.



Once the Chair is satisfied that all parties have completed their presentation, s/he will close the meeting and ask everyone, apart from the Trustees and Clerk to leave the room.

- Decision making. The decision to permanently exclude should be taken only:
  - in response to a serious breach or persistent breaches of the academy's behaviour policy; and
  - where allowing the learner to remain at the academy would seriously harm the education or welfare of the learner or others in the academy.

Where the learner has a history of poor behaviour, Trustees should normally be satisfied that a programme of support has been tried and has failed. For learners with SEND, it should be clear that all available reasonable adjustments to support the learner have been exhausted.

There are only two decision open to Trustees: to uphold the exclusion or to direct the learner's reinstatement, either immediately or by a particular date.

In reaching their decision, Trustees will consider:

- any representations made by parents, the learner and the LA;
- whether on the balance of probabilities the learner did what he or she is alleged to have done;
- whether the decision to exclude was lawful, rational, reasonable, fair and proportionate.

The Chair has the casting vote in all cases.

- After the meeting. Where Trustees decide to uphold the Principal's decision to exclude the learner permanently, the Clerk will write without delay to the parents and the letter will include the following information:
  - the reason for the decision;
  - the parents' right to request that the decision is reviewed by an independent review panel, together with the name and address of the person to whom any request should be sent;
  - the date by which any request should be lodged (15 school days after the day on which notice in writing was given of the Board of Trustees' decision. Where the notice is sent by first class post, it is treated as having been given on the second working day after it was posted);



- that, regardless of whether the excluded learner has recognised SEND, parents have a right to require the academy to appoint an SEND expert to attend the review;
- that in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First Tier Tribunal (SEND) in the case of disability discrimination, or the County Court in the case of other forms of discrimination.

Where Trustees decide to direct reinstatement of the learner, they may not attach conditions to the reinstatement.

A copy of the decision letter will be sent to the Principal and to the LA.

A copy of the minutes will be circulated to all parties.

**Related policies/procedures:**

Behaviour Management Policy

Date of approval by Governing Body:	9 March 2010
Updated and reapproved:	24 April 2012
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