

Winston Way Academy

Exclusion Policy

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Date of last review	June 2023	Review period	2 years
Date of next review	June 2025	Owner	Principal
Type of policy	Statutory	Approval	LGB (June 2021)
SLT member responsible for – Helen Penner			

1. Introduction

- 1.1 At Winston Way Academy, we believe that learning is the most important reason for being at School and that nothing should stop learning. In order to support learning and to create a community in which all pupils and staff feel safe, it may be necessary to consider exclusion as a consequence for behaviour which is contrary to the ethos and expectations of the School.
- 1.2 Exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the Behaviour for Learning policy (featured on the Winston Way website). A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.
- 1.3 In this policy reference to 'exclusion' includes both fixed term and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.
- 1.4 Internal exclusion is when a child is isolated for the whole day and completes the same work as they would be doing in lessons, along with being supervised by a member of staff. This is used as an alternative to exclusion. See the Behaviour for Learning Policy.

1.5 **Fixed term exclusion**

This is an exclusion for a fixed number of days. The pupil must remain at home up to the first 5 days (during which time the school will take reasonable steps to set and mark work for the pupil). For a fixed term exclusion of more than 5 days, full time education provision commences from the 6th day and is organised by the school. A pupil may be not be excluded for more than 45 days in a school year. A pupil is entitled to return to school once the period of exclusion has ended.

1.6 **Permanent Exclusion**

This is where the Principal's intention is that the pupil should not be allowed to return to the school. The decision should only be taken if:

- (i) the pupil has committed a serious breach or persistent breaches of the school's Behaviour for Learning policy; and
- (ii) allowing him/her to remain in Winston Way Academy seriously harms the learning or welfare of the pupil or others in the school;

In most cases, this will be after a wide range of alternative strategies have been tried without success including alternative provision within and outside of school. However, there will be exceptional circumstances where, in the Principal's judgment, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence).

2. Statutory Framework and other guidance

- 2.1 The Winston Way Academy Exclusion policy is written in line with the following areas of legislation and guidance:
- Exclusion from maintained schools, Academies and pupil referral units in England – DfE Guidance April 2012 (updated Feb 2015)
 - Behaviour and Discipline in Schools – A guide for Head teachers and School staff 2012
 - Education and Inspections Act 2006
 - Equality Act 2010
 - Human Rights Act 1998

3. Links to other policies

- 3.1 The Exclusion Policy should be read in conjunction with the following areas of School policy:
- Equal Opportunities Policy
 - Complaints Policy
 - Behaviour for Learning Policy
 - Physical Restraint Policy

4. Principles

- 4.1 The following principles underpin the Exclusion Policy at Winston Way Academy. The process:
- Is lawful, rational, reasonable, fair and proportionate
 - Puts learning at the centre of every decision
 - Ensures that the school community is safe, nurturing and focused on learning
- 4.2 Exclusion is a last resort when all other possible methods of managing pupil behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and surrounding circumstances before reaching the decision to exclude.
- 4.3 We recognise the detrimental impact of exclusion on both the education and well-being of pupils and their families. We also recognise the impact of social exclusion, which can result from the permanent exclusion of a pupil and therefore try hard to avoid it.
- 4.4 Pupils are managed consistently, but not necessarily in a uniform manner. We do not operate a 'tariff' approach to the use of exclusion. When considering the decision to exclude, appropriate consideration will be made of aggravating and mitigating factors in each circumstance.
- 4.5 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a pupil to access education in the future. It is only used where it is unavoidable and every possible

alternative has been exhausted. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate.

5. Roles and Responsibilities for the Exclusions Policy

Principal	<ul style="list-style-type: none"> • Makes the decision to exclude, according to this Policy • Following a decision to exclude, communicates with all relevant parties as outlined in Section 6 Part B in this Policy • Reports records of serious incidents, including exclusions, to the Governing Body on a termly basis
SLT member responsible for Behaviour	<ul style="list-style-type: none"> • Is responsible for reintegration of pupils following fixed term exclusion • Tracks and monitors patterns in exclusions, and ensures pre-emptive intervention for at-risk pupils is in place • Keeps records (on the MIS system) of all exclusions
Parents	<ul style="list-style-type: none"> • During the first five days of any exclusion, the parents of an excluded pupil must ensure that the pupil is not present in a public place during normal school hours without reasonable justification, whether with or without a parent. A failure to comply with this is an offence for which a fixed penalty notice can be issued.
Local Governing Body	<ul style="list-style-type: none"> • Responsible for consideration of the Principal's decision in Stage 2 of the exclusion policy. • Reviews exclusions data on a termly basis.
Independent Review Panel	<ul style="list-style-type: none"> • Responsible for consideration of the Principal's decision in Stage 3 of the exclusion policy.

6. Implementation

6.1 The exclusion process falls into three stages:

Stage 1: Decision by the Principal to exclude

Stage 2: Consideration of the Principal's decision by the Local Governing Body (LGB), which could be delegated to a Behaviour Committee

Stage 3: In the case of a permanent exclusion, and only if requested by parents, consideration of the Principal's decision by an Independent Review Panel

Part A - The decision to exclude

6.2 The decision to exclude is made solely by the Principal.

6.3 There are five circumstances where a pupil may be required to leave the School site with the authorisation of the Principal:

- i. where a decision has been made to exclude
- ii. where a pupil has committed a serious criminal offence outside the jurisdiction of the school and it is determined by the Principal that it

- is in the interests of the community for the pupil to be educated off-site. This is not an exclusion.
- iii. where, for medical reasons, the presence of a pupil represents a serious risk to the health or safety of other pupils or staff. This is not an exclusion.
 - iv. if a pupil is given permission by the Principal to leave the premises briefly to remedy a breach of the school rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion, but an authorised absence.
 - v. Where a pupil is asked to be screened for weapons and refuses to undergo screening. In this circumstance the pupil can be refused entry. This is not an exclusion, but an unauthorised absence.
- 6.4 Winston Way Academy can direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school/school as part of a 'managed move'. The latter requires the consent of the parent/carer. This is not an exclusion.
- 6.5 The decision to exclude a pupil is not taken lightly and the Principal will:
- a) ensure that a thorough investigation has been carried out
 - b) consider all the evidence available to support the allegations
 - c) allow and encourage the pupil to give their version of events
 - d) keep a written record of the actions taken including the signed statements of witnesses
- 6.6 The standard of proof applied when deciding to exclude is 'on the balance of probabilities' (rather than 'beyond reasonable doubt'). The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.
- 6.7 Exclusion will not be used as a consequence for the following:
- i. minor incidents such as a failure to complete homework
 - ii. poor academic performance
 - iii. lateness or truancy
 - iv. breaches of school rules on uniform or appearance except where these are persistent or in open defiance of such rules
 - v. pregnancy
 - vi. punishing a pupil for the behaviour of their parents
- 6.8 The school has the right to make decisions about behaviour taking place on trips, outings, sporting fixtures, or travel/movement in the vicinity of the school. Subject to the requirements of this policy, the Principal may exclude pupils even if the circumstances giving rise to exclusion occur when the pupil is out of school.
- 6.9 The process of exclusion from school and criminal proceedings can and should run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended fixed term exclusion should be used.

Part B – The procedure following the decision to exclude

- 6.9 Once the decision has been made to exclude, a pupil will only be sent home once contact has been made with the parent and where it is clear that the pupil will be returning to a place of safety, or is collected (depending on the age of the pupil). Arrangements will be made to ensure provision for learning continues throughout the exclusion period.
- 6.10 A letter will be sent to the parents of the excluded pupil within one school day of exclusion, outlining:
- Reasons for exclusion
 - 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
 - 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 and to bring a friend
 - That for the first 5 school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
 - Arrangements for alternative provision, where this is relevant
- 6.11 Within 1 school day of the exclusion, the Principal will inform Local Authority, in the following cases:
- all permanent exclusions (if the pupil resides in another authority, the home LA should also be informed);
 - exclusions that would take the term's total for that pupil to more than five days;
 - exclusions that would result in the pupil missing a public examination or national curriculum test.
- 6.12 Winston Way Academy will keep a record of all exclusions for reporting to the DFE Census, and to the LGB on a termly basis.
- 6.13 Pupils who have been permanently excluded will not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached and no review has been applied for.

Part C - Fixed-term Exclusion

- 6.14 The decision to exclude a pupil for a fixed-term may be taken in response to breaches of the school's Behaviour for Learning Policy.
- 6.15 Examples of behaviour that may lead to a fixed-term exclusion include the following:
- Verbal abuse of staff or pupils
 - Physical abuse of staff or pupils

- Indecent behaviour
- Damage to property
- Persistent poor behaviour contrary to acceptable behaviour outlined in the Behaviour for Learning Policy

This is not an exhaustive list and there may be other examples of behaviour where the Principal judges that exclusion is an appropriate sanction.

- 6.16 The Principal may exclude a pupil for one or more fixed periods, which does not exceed a total of 45 school days in any one school year.
- 6.17 During a fixed term exclusion of 5 or fewer days, work will be set by the school for the pupil to complete at home. This work should be returned completed at the end of the exclusion for marking.
- 6.18 For an exclusion of longer than 5 days, the school will arrange full-time educational provision from the sixth day of exclusion. If a child is looked after, the school will provide full-time educational provision from the first day of exclusion.
- 6.19 Before the end of any fixed-term exclusion, parents will be invited to attend a reintegration meeting at the school with their child. The purpose of the meeting is to ensure that the child understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The school will consider all further support needed to support the pupil, including referrals to external agencies. The pupil will also spend a period of time on report to support their reintegration. The Principal and a member of SLT responsible for behaviour are usually both present at this meeting, along with any other key staff.
- 6.20 During the first 5 days of any exclusion, the parents of an excluded pupil must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent. A failure to comply with this is an offence for which a fixed penalty notice can be issued.

Part D – Permanent Exclusion

- 6.21 Permanent exclusion is an extremely rare sanction at the school and always avoided where possible. The decision to permanently exclude is taken only:
- a. in response to serious breaches of the school behaviour policy and
 - b. if allowing the pupil to remain at the school would seriously harm the education or welfare of the pupil or others at the school
- 6.22 A pupil may be permanently excluded where there have been repeated breaches of the behaviour policy for which a range of consequences and strategies have been applied without success. It is

an acknowledgement that the school has exhausted all available strategies for dealing with the pupil and is a last resort.

6.23 There may be exceptional circumstances where, in the judgement of the Principal, it is appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- a serious breach of safety requirements likely to endanger other people or yourself;
- use or possession of or supply of alcohol or illegal drugs within the academy premises or during academy organised activities;
- removal or damage of academy property;
- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- abuse of the academy's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the academy;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- bullying and/or harassment including racial, sexual or homophobic harassment;
- willful defiance of the properly exercised authority of the academy and its staff;
- bringing the academy into disrepute or acting in a manner deliberately to undermine the academy's principles or ethos.

6.24 The school operates a 'zero tolerance' approach to the carrying of offensive weapons, due to the seriousness of their impact on the school community. This is communicated clearly to pupils and families.

6.25 The Principal will meet with the parents and pupil before reaching a decision to permanently exclude a pupil. Under normal circumstances, a pupil will be excluded for a fixed-term before the decision is made to permanently exclude.

7. Appeals

7.1 Stages 2 and 3 of the Exclusion process are considered to be Appeals.

7.2 The Local Governing Body (LGB) which has responsibility for supporting the Principal in making decisions and reviewing them in relation to exclusions. The Behaviour Committee consists of at least 3 members of the LGB, including the Chair of the LGB.

7.3 The Behaviour Committee of the Governing Body will review any exclusion which results in a pupil being excluded for more than 15 school days in any one term, or any permanent exclusion. This review will take place whether or not the parent requests it. The Behaviour Committee will decide whether to reinstate the pupil, if appropriate, or whether the Principal's decision to exclude was justified and appropriate.

7.4 If requested to do so by parents, the Behaviour Committee will consider the reinstatement of a pupil excluded for more than 5 days, but less than 15 within one school term.

7.5 Parents have the right to appeal the decision to exclude their child. The process is common across the United Learning Trust and is different for different levels of exclusion:

Level 1 exclusion (less than 15 days)

- A parent may request that the LGB Behaviour Committee review the process.

Level 2 exclusion (more than 15 days fixed-term)

- Principal meets with parents to discuss likely exclusion.
- Case discussed with Behaviour Committee by Principal.
- Behaviour Committee decide whether to uphold the decision.
- Parents may appeal to an Independent Appeals Panel.

Level 3 exclusion (permanent)

- Principal meets with parents to discuss likely permanent exclusion.
- Case discussed with Behaviour Committee by Principal.
- Behaviour Committee decide whether to uphold the decision.
- Parents may appeal to an Independent Appeals Panel.

7.6 If a meeting of the LGB Behaviour Committee is to be held, the Principal should prepare all supporting papers for the exclusion and ensure they are circulated to all parties at least 5 days in advance of the meeting. The paperwork should include:

- the principal's case for exclusion
- a copy of the exclusion letter of notification to parent; attendance records
- witness statements (signed where possible and dated); excluded pupil statement;
- school discipline policy, and other relevant policies;
- details of any Pastoral Support Programme – or Individual Education Plan with clearly identified behaviour targets, where appropriate; Records of interventions;
- Details of any alternative or enhanced curriculum.

7.7 An Independent Appeals Panel will consist of 3 people and will be chaired by a LA member and two other independent members, one with governance experience; the other with Headship experience. This panel will decide whether to uphold the decision to exclude a pupil.

7.8 The Independent Appeals Panel can either uphold the decision to exclude the pupil or recommend that the school reconsiders the matter. They cannot, however, direct the reinstatement of the pupil.