



The Academy at
St James
Aspire, Achieve, Believe

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EXCLUSION POLICY

Reviewed and Approved by:- Governing Body

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"Show love in everything you do." 1 Corinthians 16:14



"Encourage one another and build each other up." 1 Thessalonians 5:11

The Academy at St. James

Exclusions Policy

Rationale

A Headteachers decision to exclude a pupil, either for a fixed period suspension or permanently is seen as a last resort by the school.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedure are in place to promote good behaviour and appropriate conduct.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation. The investigation may be carried out by the Head or by a person delegated by the Head.

We follow the DFE guidance on Exclusions which states:

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

- in response to a serious breach 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 pupil or others in the school

As a school we have looked at what this guidance means:

Reasons for exclusion:

Serious breach of the school's rules or policies including:

- deliberate and or uncontrolled acts of aggression causing injury to other pupils or staff either through physically kicking, hitting, biting, nipping or spitting at or use of persistent and or regular swearing at staff or pupils
- deliberate and or uncontrolled acts of destruction to school property
- persistent and regular disruption to lessons
- following thorough investigation by a member of the SLT it is found that bullying which includes discrimination of any kind: physical, racial, gender, verbal or psychological has taken place

All Exclusions decisions are considered with key factors around – is it reasonable, proportionate, legal and fair (DFE guidance) and with consideration of all the protected characteristics.

“The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion” (DFE 2020 Exclusions guidance)

The decision to exclude can only be taken by the Headteacher (the decision rests with the Deputy Head teacher in the Head Teachers absence . Where both the Head and Deputy Head are absent the Assistant Head will contact the Head and ask for clarification before

instigating the exclusion procedure.

1. Fixed term suspension

A fixed term suspensions should be for the shortest time necessary; Ofsted evidence suggests that one to three days is usually enough to secure benefits without adverse educational consequences.

Persistent or regular problems:

Suspensions for a period of time from half a day to five days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies.

These will include some of the following appropriate to the individual child's needs:

- Discussion with the pupil
- Mentoring
- Report /reward card
- Discussions with parents
- Target setting
- Checking on any possible provocation
- Involvement of external agencies
- Completion of a MARF (Multi Agency Referral Form) and engagement with the SCIL (Social, Communication, Interaction and Learning) team at Bradford Local Authority
- 1 to 1 support
- Looking at the benefits of a reduced timetable to support the pupils return with success
- Learning Mentor time to support with transition

We recognise that disruptive behaviour can be an indication of unmet needs and as such align our work on SEND to ensure pupils have clear plans in place to avoid suspensions where possible. We work effectively with multi agencies to ensure we give our all our pupils the best opportunity to thrive.

We believe strongly that all pupils have the right to education we take reasonable steps to ensure work is provided during any suspension. We recognise that this work needs marking and feedback giving.

Pupils who have temporary suspensions will have a reintegration meeting with the Headteacher and family to discuss previous incidents and how we will move forward together. Suspensions will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules), except where these are persistent and defiant.

2. Permanent exclusion

A permanent exclusion is a very serious decision and the Headteacher will inform the Chair of Governors as soon as possible to enable the convening of a Pupil Disciplinary Committee (PDC) As with a fixed term suspension, it will follow a range of behaviour management strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Possession or use of an illegal drug on school premises

- Carrying or use of an offensive weapon
- Persistent bullying
- Persistent racial harassment
- Serious violence, actual or threatened, against a pupil or member of staff
- Sexual abuse or assault
- Arson
- Theft
- Deliberately sounding the school fire alarm
- Other offence considered by the Headteacher to be exceptionally serious; particularly in cases of repeat offending where other sanctions have been shown to have failed.

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 school community. The decision to permanently exclude a student is never taken lightly.

3. The decision to exclude:

If the Headteacher decides to exclude a pupil (fixed term suspension or permanent exclusion) she/he will:

- Ensure that an appropriate investigation has been conducted and give the pupil the opportunity to be heard.
- Ensure that there is sufficient recorded evidence to support the decision.
- Explain the decision to the pupil.
- Contact the parents, explain the decision, and ask that the child be collected.
- Send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or fixed term exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return.
- Communicate with the Chair of Governors.
- In cases of more than a day's suspension, the school will set appropriate work and have arrangements in place for it to be marked. Parents will be asked to sign on receipt.
- Plan how to address the pupil's needs on his/her return
- Plan a meeting with parents and pupil on his/her return
- Complete an **EX1 form** for any exclusion and this must be put on CPOMS and recorded to ensure that the narrative and reason is clear.
- For a permanent exclusion **an EX3 form must** be completed- we recognise that it is unlawful to turn a suspension into a permanent exclusion.

A suspension will not be enforced, if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority.

4. Behaviour outside school

Pupils' behaviour outside school-on-school business e.g. on school visits or at sports fixture is subject to the school's Behaviour Policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school. If a pupil is deemed not safe or has put other children, staff or people in danger then the pupil will not be allowed to access that visit for safety reasons.

For behaviour outside the school, not on school business, the Head may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school.

Pupils with special educational needs and disabled pupil. The school must take account of any special educational needs when considering whether or not to exclude a pupil.

We have a legal duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.

'Reasonable steps' could include:

- Differentiation in the school's behaviour policy.
- Developing strategies to modify the pupil's behaviour.
- Requesting external help with the pupil (e.g SEND support).
- Staff training.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it.

A specific incident affecting order and discipline in the school may be such a reason or if there are serious health and safety issues that put the school community at risk in response to a serious breach or persistent breaches of the school's behaviour policy; and: were allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

5. Marking attendance registers following exclusion

When a pupil is excluded for a fixed term, they should be marked as absent using **Code E**.

6. Alternatives to suspension and exclusion include:

- a) Restorative justice process; whereby the harm caused to the victim can be redressed
- b) Internal arrangement; removal from class for a set period to be taught in the Hive or other appropriate room.
- c) School can use the Step Out programme whereby through relationships with another school or provision support is sought.
- d) Change of timetable to support the pupil have success in the current setting.

A reduced timetable:

When might a reduced timetable be used?

A part time timetable is not an exclusion but is planned for after thorough discussion with the senior leadership team. When a pupil is educated on a part time basis, they should be marked as absent using **Code B**

This is not an exhaustive list but it is likely that a pupil being considered for a reduced timetable would fall within one of these 3 categories:

- a) Part of an in-school support package

School, parent/carer and other professionals agree that a short-term (no longer than 6 weeks)

reduced timetable would support a student who has become disaffected, to regain success. This would be a closely monitored intervention to address and manage the impact of significantly challenging behavioural, emotional or social needs.

b) Medical reasons

A student has a serious medical condition where recovery is the priority outcome. These arrangements would be part of a “medical plan” agreed between the school and health professionals. Individual cases will be looked at to ensure a good education for children who cannot attend school because of health needs before offering a reduced timetable for this reason.

c) Reintegration

As part of a planned reintegration into school (no longer than 6 weeks) following an extended period out of school e.g. following an exclusion, nonattendance, school refusal etc.

7. Suspension (previously called Fixed Term Exclusion)

The Headteacher is permitted to suspend a pupil for one or more fixed term periods not exceeding 45 school days in any one school year. Most suspensions are short, fixed terms. The Headteacher, in the majority of cases, will suspend for 1 day in the first instance, preferring only to increase the length of a suspension if 2 such suspensions have not led to the required improvements in behaviour.

Education of pupils suspended for a fixed term

The school will follow all the Government guidance and will provide education from and including the sixth day of any period of suspension. Days of suspensions are not to be aggregated. The education must be provided off-site.

Education of pupils excluded permanently

Local Authorities are required to provide full-time education from day six of a permanent exclusion. Indefinite suspensions are not permissible by law. Unofficial suspensions or exclusions are not permissible by law.

Reintegration interviews

On all occasions when a pupil is suspended from school, a reintegration interview will be requested. This will initially be on the day of return after suspension. A record will be made on the pupil's file should a parent/carer choose not to attend without good reason. Duties of parents/carers in relation to suspended and excluded pupils.

Parents/carers will be responsible for supervising their child during the first five days of any suspension or exclusion and may face a fixed penalty notice if their child is found in a public place during school hours without reasonable justification during this period.

8. Removal from the school for other reasons

The Head may send a pupil home, after consultation with that pupil's parents and a health professional, as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable

disease. This is not an exclusion and should be for the shortest possible time.

9.Procedure for suspending or excluding a pupil

a) Informing parents/carers about the suspension or exclusion

The Headteacher will inform parents/carers without delay with a follow-up letter within one school day. The school will ensure the letter contains all of the information required to be shared with parents/carers detailed in the Government guidance.

b) Informing the Discipline Committee and Primary Director of BDAT

The Headteacher will inform the Governors' Discipline Committee and the BDAT Primary Director of the Trust within one working day of:

- Permanent exclusion.
- Suspensions totalling more than 5 school days or 10 lunch-times per one term; drawing attention to the requirement to hold a meeting to discuss cases where the total for the term will exceed 15 days.
- Suspensions necessitating a pupil missing a Statutory Assessment.
- *Governors and the LA will be informed of any / all suspensions and permanent exclusions on a termly basis.*

The Headteacher will include the following in the suspension and exclusion report:

- The name of the pupil
- The duration of the suspension/exclusion
- The reason(s) for the suspension/exclusion
- The pupil's age, gender, and ethnicity
- Whether the pupil has special educational needs and at what level
- Whether the pupil is in Local Authority Care

The Responsibilities of the Discipline Committee

The Governing Body will appoint a Discipline Committee at the beginning of each academic year and appoint a chair and a clerk.

Liaison with Parents/Carers

At all stages the Headteacher is expected to seek co-operation from the parents/carers.

Lunchtime Exclusion

The Headteacher can take the decision to suspend a pupil for the duration of a lunch break. Each lunchtime is considered as a ½ day suspension.

Independent Review Panel

In the extremely rare event of a pupil being permanently excluded, parents have the right to ask the LA to convene an independent review panel, regardless of whether or not they have appealed to the governing body. Parents must make this request within 15 school days of receiving notification of the exclusion, and the panel should meet to review the case within 15 days of the notification. Parents have a right to require the LA to appoint an SEN expert to attend the review, regardless of whether the pupil has recognised special educational needs.

The panel may make one of three decisions:

- To uphold the exclusion
- To recommend that the governing body reconsiders its decision
- *To quash the decision and direct that the governing body reconsiders the exclusion within 10 days.*

The panel may only quash the decision where it considers that it was flawed when viewed *in light of the principles applicable for application for a judicial review (i.e. the decision was illegal, irrational or there was procedural impropriety)*. The panel, however, cannot redirect reinstatement, but it can remove the permanent exclusion from a pupil's record. It may also deduct £4,000 from the Academy budget to support the Local Authority in making alternative provision

Equal Opportunities

In making decisions about suspension and exclusion the Headteacher and Discipline Committee will consider any special educational needs, disabilities, gender and cultural differences that may be relevant to the case. The Headteacher will consider the Government guidance and any Government published codes of practice.

Monitoring and Review

The Headteacher will report on the number of suspensions and exclusions and their outcome to the Governors' Discipline Committee. The Governors Executive Committee will review the working of this policy at its final meeting of the year and make any recommendations for improvement to the full Governing Body.