



LORD LAWSON OF BEAMISH ACADEMY

EXCLUSION POLICY

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INDEX

	Page No.
Statement	(3)
1. Has the exclusion threshold been passed	(3 - 4)
2. Is it unavoidable that a fixed term or permanent exclusion be imposed	(5 – 6)
3. What the Academy will do where a student is excluded	(5)
4. What parents must do where a student is excluded	(5)
5. What may be considered by the Academy as 'serious misconduct'	(6)



Exclusions

The Principal, or the Deputy Principal delegated to be in charge of the academy in the event of the Principal's absence, may use fixed term or permanent exclusion in response to incidents of a very serious nature or persistent poor behaviour.

Exclusion may only be used as a sanction in response to a disciplinary issue. The objectives of using exclusion as a sanction are as punishment and/or the protection of the education or welfare of others where there has been very serious misconduct or persistent poor behaviour.

A decision to exclude a student should only be taken when the 'exclusion threshold' is passed. This is:-

- where there has been a serious misconduct or persistent breaches of the school's behaviour policy; and
- where allowing the student to remain in the academy would seriously harm the education or welfare of the students or others in the academy.

Where it is proposed to impose a fixed term or permanent exclusion the Principal or Deputy Principal, as appropriate, shall have regard to whether the exclusion threshold has been passed in terms of serious or persistent breaches of the academy's behaviour policy, by determining the level of culpability of the student and harm caused to others.

In the case of permanent exclusion the Principal or Deputy Principal must reach the reasonable conclusion that allowing the student to remain in the academy would seriously harm the education or welfare of the students or others in the academy, and a fixed term exclusion would not adequately meet the objectives of the use of exclusion.

1. Has the 'exclusion threshold' been passed?

- A fixed term or permanent exclusion must not be imposed unless the misconduct or persistent nature of poor behaviour is so serious that a lesser sanction cannot be justified.
- In determining this matter, the Principal or, where appropriate, the Deputy Principal shall have regard to:-
 - the **culpability of the student** and any previous sanctions imposed or support applied for misconduct or poor behaviour; and
 - the **level of harm caused** by the misconduct or persistent poor behaviour.



The clear intention of the threshold test is to reserve exclusion as a sanction for the most serious misconduct or persistent poor behaviour in which the student has a high level of culpability and which causes significant harm to others.

In determining the level of culpability of the student, the Principal or Deputy Principal must take account of any special educational needs, any disability or personal circumstances (where known) which might reasonably reduce the culpability of the student.

In determining the level of harm caused to others, the Principal or Deputy Principal will have regard to the nature of the harm whether it be in the form of disruption to learning or good order, physical harm or harm to the mental health or wellbeing of others and the numbers of people affected. Where appropriate, the subjective views of any affected parties as to the level of harm they experienced should be taken into account.

Exclusion **should not be used as a sanction where there is a low level of culpability and a low level of harm** unless it is justified and appropriate in all the circumstances to do so. Permanent exclusion must not be used where allowing the student to remain in the Academy would not seriously harm the education or welfare of other students in the school.

Exclusion **may be used as a sanction where there is at least a high level of culpability or a high level of harm** where it is justified and appropriate in all of the circumstances to do so. The Principal or Deputy Principal should be especially mindful of any special educational needs, any disability or personal circumstances (where known) where it is determined there may be a high level of culpability but a low level of harm before reaching the conclusion that exclusion is justified and appropriate in all the circumstances.

Exclusion **will most likely be used as a sanction where there is a high level of culpability and a high level of harm** unless it would be unjustified or inappropriate in all the circumstances to do so. The Principal or Deputy Principal should be mindful of any special educational needs, any disability or personal circumstances (where known) where it is determined there may be a high level of culpability before reaching the conclusion that exclusion is justified and appropriate in all the circumstances.



2. Is it unavoidable that a fixed term or permanent exclusion be imposed?

Passing the exclusion threshold does not mean that an exclusion should be deemed inevitable. Exclusion should not be imposed where another sanction could provide sufficient punishment and, in the case of persistent poor behaviour, sufficient restriction on the student's ability to continue to adversely affect the learning experience of others or where further reasonable intervention may be made to support the student to make better choices regarding their behaviour.

In the case of permanent exclusion for persistent poor behaviour the Principal or Deputy Principal must address the question of whether all reasonable resources have been exploited and efforts made to support the student making appropriate choices regarding their behaviour in the school environment and there are no other strategies, methods or approaches which the Academy could reasonably take which might lead to an improvement in behaviour.

Permanent exclusion must not be imposed where allowing the student to remain in the Academy would not seriously harm the education or welfare of other students in the school.

What the Academy will do where a student is excluded

If a child is excluded from Academy, the Academy will:

- Inform the parent/carer immediately, in writing, of the reason for the exclusion;
- Set work for the first 5 days of any exclusion;
- Provide alternative provision from day 6 of any fixed term exclusion; the Local Authority (LA) will provide this in the case of a permanent exclusion;
- Arrange a reintegration meeting, at which the reasons for the exclusion will be further discussed;
- Where appropriate, arrange for a Governors' Disciplinary Committee to consider the exclusion.

A student will normally be placed in isolation during investigations leading to possible exclusion and for the remainder of the day on which a decision to exclude has been made; unless they are collected by a parent/carer. Students may also be placed in the Inclusion Centre (IC) on their return from exclusion.

Where there is the possibility of a permanent exclusion, the Principal will hold a pre-exclusion meeting with the student and parents/carers, to support the decision making process. This meeting helps the school understand clearly all of the key factors in the events that have led up to the consideration of an exclusion. It allows all parties to share any information or mitigating factors that may be relevant in coming to a reasonable decision. These meetings will be minuted and copies of the minutes will be shared with all parties for accuracy and transparency.



In the event of a permanent exclusion, the school has up to 15 normal school days to convene a Governors Disciplinary Committee, from the date that both parents and governors are informed of the decision to permanently exclude a student. Once the Governors Disciplinary Committee has decided on the outcome of the permanent exclusion, either upholding or overturning the school decision, a parent has 15 normal school days to appeal the decision. N.B. Time scales may be adjusted by the Local Authority/DfE to consider external factors e.g. COVID.

What parents must do where a student is excluded

Parents have a legal responsibility to supervise students during the first 5 days of any fixed term or permanent exclusion. This means that they must ensure their child is not in public during school hours. Parents can be subject to fixed penalties if a child is seen out and unsupervised during that time.

What may be considered by the Academy as 'serious misconduct'?

This list is by no means exhaustive but is designed to indicate to students the kinds of behaviour which are likely to be considered as serious misconduct. In any given incident the full circumstances will be taken into account and just because a type of conduct is not listed here does not mean that it will not be considered serious misconduct in all the circumstances.

- Swearing intentionally at a member of staff;
- Stealing or deliberately damaging, destroying or disposing of property belonging to the Academy or a member of the Academy community;
- Refusing to conform to reasonable requests by a member of staff, especially where the safety or learning of others is jeopardized as a result;
- Making a malicious allegation, grievance or complaint against a member of staff;
- Making an unprovoked physical assault on another person;
- Bullying, directly or indirectly, of another student;
- Being in possession, supplying or using drugs, or those substances referred to as "legal highs", during the school day, an Academy-led activity off-site, or at any time or place where the student is identifiable as a student of the Academy;
- Bringing an offensive weapon to school;
- Being in possession of pornographic material or involved in inappropriate sexualised behaviour;
- Using social networking media or the internet generally in such a way as to bully, intimidate, threaten, blackmail, harass, insult, humiliate, distress or defame other members of the Academy community;
- Selling counterfeit or stolen goods on school premises;
- Engaging in unlawful activity;



- Making or using audio or visual recordings of members of the Academy community in a way which could be construed as harassment, bullying or an invasion of their privacy;
- Taking up an inordinate amount of staff time as a result of having to deal with misbehaviour;

Where considered necessary in all the circumstances the Academy may involve the police in addition to responding to misconduct in accordance with this policy.