

**John
Cabot
Academy**

Exclusions Policy

Date Adopted: September 2016 , John Cabot Academy
Last Reviewed: January 2017

John Cabot Academy is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its student, staff, community and visitors to the school.

Our expectations are clarified in our Behaviour and Engagement policy.

Rationale

This policy is underpinned by the commitment of all at John Cabot Academy to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve. In this policy and the accompanying procedures, the governing body aims to discharge appropriately its statutory duties as set out in The School Discipline (Student Exclusion and Reviews) (England) Regulations 2012. (Appendix 1.)

Introduction

Exclusion is an extreme sanction and is only used by the Principal (or, in the absence of the Principal, the Vice Principal who is acting in that role). Before deciding whether to exclude a student, either permanently or for a fixed period, the Principal will ensure that:

- a) appropriate investigations have been carried out ;
- b) all the evidence available has been considered;
- c) the student's version has been heard;
- d) that statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account.

Having considered these matters, the Principal will make a decision on exclusion based on the balance of probabilities established. In reaching a decision, the Principal, or Vice Principal, will look at each case on its own merits.

Exclusion, whether fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to student
- Physical abuse to/attack on staff
- Physical abuse to/attack on student
- Sexually abusive language and/or behaviour
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour.

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction. Exclusions can be either fixed term or permanent.

Fixed Term exclusion

- A student will not be excluded for a period that exceeds 45 days in any one school year.
- The school will make every effort to inform parents of a fixed term exclusion before the end of the school session (the school office closes at 4.00pm) by telephone, email or text.
- This will be followed up in all cases with a letter.
- Parents will be informed of the length of the exclusion, the reasons for the exclusion and their rights, including their right to make representations and who to contact if they wish to make representations about the exclusion.
- When a student is required to be at home, parents/carers will be advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.
- The letter will also make clear the date and time when the student should return to school.
- The school will continue to provide education for all students on fixed term exclusion and mark the work that is completed and returned to school.
- In reviewing the statement, if a student with a Statement of SEN is excluded, the school will inform the SENCO in order to consider an appropriate course of action.
- The school will plan the return and reintegration into school after fixed term exclusions with parents and students.
- The Principal will inform the Academy Council within one school day of any fixed term exclusions totalling more than five school days per term, and each term of fixed term exclusions totalling fewer than five school days a term.
- According to Department for Education guidance, school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.

Permanent Exclusion

- The decision to exclude a student permanently could be taken by the Principal in the following circumstances:
 - (a) in response to a serious breach, or persistent breaches, of the school's Behaviour Policy;
 - (b) where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.
- In the case of a permanent exclusion, the same process as that for fixed term exclusions will be followed except the communication will make clear that it is a permanent exclusion.
- The Principal will inform the Academy Council Chair and Local Authority within one school day of any permanent exclusions.

Equality Act 2010

The school will follow the guidance on the Equality Act 2010, published by the 'Equality and Human Rights Commission' in Section 5.4, entitled 'What equality law means for you as an educational provider'.

This guidance states that whilst a 'school must not discriminate against a student by excluding them from school, "*it does not mean a school cannot exclude a student with a protected characteristic*". The guidance recognises that "*there may be occasions when it is appropriate to exclude a student with a protected characteristic*" it stresses it is important that a school does not exclude '*because of*' the protected characteristic.

Alternatives to Exclusion

The school will work closely with other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. The threat of a permanent exclusion will not be used as the means to persuade parents/carers to move their son/daughter to another school.

Lunchtime Exclusion

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Behaviour Outside School

Students' behaviour outside school on school "business", for example educational visits and journeys, away school sports fixtures or a work experience placement, is subject to the School's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If students' behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the Principal may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug related offence, the Principal will have regard to the school's published policy on drugs.