



# EXCLUSIONS POLICY

Date Approved by Governors	December 2018
Review Date	December 2020
On Behalf of Governors Signed	Signed copies on file
Print Name	
On Behalf of Governors Signed	
Print Name	
Principal's Signature	

**All One In A Million Free School Policies have been devised to ensure that:**

- Students from all backgrounds and all abilities are welcome
- Each student has the opportunity to flourish and achieve their potential
- We value the individuality of each student within the context of membership of our community
- We are committed to raising educational attainment and improving our students' life chances
- We provide an environment in which all students will be self aware, self disciplined and confident
- All students will understand how to make a positive contribution to our extended community
- We support academic, creative and personal achievement through our focus on Sport, the Arts and Enterprise.

***Rationale relating to Exclusion***



## Exclusions Policy

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OIAMFS is firmly committed to Inclusion rather than Exclusion and will endeavour to address all poor behaviour through the positive behaviour policy predicated on 'Praise Changes Behaviour'. OIAMFS believes it should model good behaviour and that ALL adults should see themselves as 'bridge-builders'. We believe that most situations can be resolved through forgiveness and reparation. However, situations may occur where all other avenues are exhausted and, in the view of the Principal/Vice Principal it is necessary to exclude a student to:

- Allow an investigation<sup>1</sup>
- Provide a 'cooling-off' period
- Make plans for alternative curriculum arrangements
- Indicate the seriousness of an incident given that exclusion from our school community is treated as the greatest sanction

This policy is informed by the Department for Education's (DfE) Exclusion Guidance and underpinned by the shared commitment of all members of the OIAMFS community to achieve two important aims:

- The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed
- The second is to realise the aim of creating, if possible, a zero-exclusion environment

Any decision to exclude a student will be taken in the following circumstances:

- In response to a serious breach of the OIAMFS's Behaviour Policy
- If allowing the student to remain in OIAMFS would seriously harm the education or welfare of the student or others in the school

Exclusion is an extreme sanction and is only administered by the Principal (or the Vice Principal).

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 OIAMFS's Behaviour Policy and that go beyond those behaviours identified for level 3:

- Verbal abuse to staff – including racist remarks

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<sup>1</sup> Investigations relating to exclusions will most often be conducted by a member of the senior leadership team or a member of the pastoral staff who has not been involved previously in the incident. They will gather information from all necessary parties without bias. Once the information is gathered it will be given due regard and the Principal (or Vice Principal) will make a decision based on the information available.



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- Verbal abuse to students – including racist remarks
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Malicious damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- 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
- Misuse of social media or the internet against OIAMFS's policy or that results in harm or bullying to students whether at school or elsewhere.

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

### ***Exclusion procedure***

OIAMFS realises the importance of excluding a student and will avoid this where possible.

Alternatives to exclusion might include:

- Time in the school's intervention provision
- Part time, timetable
- After School-School
- Reparation
- Time in inclusion rooms in other secondary schools.

Most exclusions are for a fixed term and of short duration (usually between one and three days).



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The Governors have established arrangements to review promptly all permanent exclusions from the OIAMFS and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

The Governors have established arrangements to review fixed term exclusions that would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion, parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body as directed in the letter.

A 'Return to School' meeting will be held following the expiry of the fixed term exclusion and this will involve a senior leader or a member of the pastoral staff. The exclusion letter will make this time clear and the school will endeavour to ensure that this is convenient to parents. The spirit of this meeting is that young people make mistakes, that we learn from them and then are able to move on.

During the course of a fixed term exclusion where the student is to be at home, parents will be advised that the student is not allowed on the school premises or within the proximity of the school during school hours, and that daytime supervision is their responsibility, as parents/guardians.

### ***What happens to my child's work and examination entries while s/he is excluded from school?***

The school's obligation to provide education continues. Any student excluded from OIAMFS will be set work for the first five days. You are responsible for collecting the work and ensuring it is completed and returned promptly for marking. Work may be made accessible via electronic means. Any difficulty with the work will be dealt with through communication between the parent and the Head of Year or the Learning Coach. You also have a duty to ensure that your child is not present in a public place in school hours during these five days. From the sixth day of the student's permanent exclusion, the local authority must arrange suitable full-time education for the student to begin no later than the sixth school day of the exclusion. (The local authority are contactable at Inclusive Education Service, Inclusion Officer, Margaret McMillan Tower, Fifth Floor, Prince's Way, Bradford BD1 1NN or **01274 439254**).

### ***Recording and reporting of Exclusions***

All exclusions will be recorded on the student's personal file with appropriate details of the incident. OIAMFS will keep a central log of all exclusions showing students' details,



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duration of the exclusion and brief details of the reason(s) for exclusion. This file will be used to make any statutory returns to the DfE (within the requirements of the Data Protection Act). It will also be used to determine summative data (not personal data) to report to Governors/Inspectors for evaluative purposes.

### **Permanent Exclusion**

The decision to exclude a student permanently is deemed extremely serious. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an accumulation of incidents and an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and or use of an illegal substance on school premises. A number of interventions will have been put in place and failed - including the last resort of an appearance at the Governor's Student Disciplinary Panel (*details explained at the end of the policy*). Parents have live access to their child's behaviour record and can clearly identify where their child is in line with their behaviour journey.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal substance
- Carrying an offensive weapon \*
- Arson

OIAMFS will consider police involvement for any of the above offences given that outside of school they would be considered to be a criminal offence. OIAMFS does not want to see its students 'criminalised' and will do as much as it can to avoid this.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the school.



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### **General factors OIAMFS considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Principal will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations
- Allow the student to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment
- Inform the parents/carers that exclusion has been decided as the appropriate course of action

If the Principal is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion may be the outcome.

According to the DfE's Guidance page 10, item 16 indicates that the statutory guidance on factors that a Headteacher or Principal should take into account before taking the decision to permanently exclude student should only be taken when:

- In response to a serious breach or persistent breaches of the school's behaviour policy; and
- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The Principal should give the student an opportunity to present their case before making the decision to exclude.

### **Exercise of discretion**

In reaching a decision, the Principal will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. The school will keep a record of exclusions and overtime it will be monitored to ensure that OIAMFS is consistent in its response to similar or comparable incidents.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:



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- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy
- The effect that the student remaining in OIAMFS would have on the education and welfare of other students and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Student Disciplinary Panel, when it meets to consider the Principal's decision to exclude. This Panel will require the Principal to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to exclusion. When considering permanent exclusion, the Principal will consult with a member of the governing body (a governor other than the chair or vice chair of governors.) The Principal will also seek advice from others such as the Safer Schools Police Officer or the LADO.

### **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 OIAMFS's published policy on drugs and the advice we may get from others such as the Safer Schools Police Officer. The decision will depend on the precise circumstances of the case and the evidence available. In some cases, fixed term exclusion will be more appropriate than permanent exclusion. The Principal will make a judgment set against the criteria in the OIAMFS's Drugs Policy. For drug related incidents the Principal will automatically inform the police.

### **Student Disciplinary Panel for Permanent Exclusions**

The Governors have established arrangements to review promptly all permanent exclusions from the OIAMFS and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

Parents and carers have the right to request a meeting with the Student Disciplinary Panel. In the first instance the parents or carers should state their case in writing to the chair of governors and clerk of governors at OIAMFS (address: One In A Million Free School, Clerk & Chair of Governors, Cliffe Terrace, Bradford, BD8 7DX or by email: [Julie.ioanna@bradford.gov](mailto:Julie.ioanna@bradford.gov)).

The Chair will form a panel consisting of three governors (that should not consist of staff or parent governors). A meeting will be chaired by one of the governors. Parents will be invited to attend the meeting along with the Principal, a clerk to the meeting and in some instances a representative of the Local Authority will also be present. Should the parent/carer wish to bring the excluded student to the meeting they should inform the Clerk of Governors.



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Prior to the exclusion meeting parents/carers will receive a digital copy of any school reports, investigation and evidence papers, which are provided by the school to the Student Disciplinary Panel.

The meeting purpose is to:

- To establish whether, based on the facts known at the time, the Principal took the right action in excluding the student
- To consider whether the type or length of period of exclusion was appropriate
- To ensure the exclusion was reasonable, fair and appropriate taking into account the Principal's legal duties.

The governing body is legally required to consider an exclusion they must consider the interests and circumstances of the excluded student, including circumstances in which the student was excluded, and have regard to the interests of other students and people working in the school to establish that the Principal's decision warrants a permanent exclusion and is:

- In response to serious or persistent breaches, of the OIAMFS's behaviour policy; and
- If allowing the student to remain in OIAMFS would seriously harm the education or welfare of the student or others in the school.

Based on the evidence presented to them the governors on the panel, they have two basic options:

- To reinstate the student, immediately or a future date, or;
- To decline to reinstate.

Parents/carers will receive a letter from the Clerk of Governors, which will state whether the child should be readmitted to the school. If the Student Disciplinary Panel agrees that the child should be reinstated, parents/carers will be told the date on which s/he can return to school. If the student remains excluded the child cannot return to the same school. The Panel's decision to not reinstate is final within our Academy Trust. A named officer from Children's Services will contact parents/carers to discuss what should happen next and arrange a suitable alternative placement for the child.

The governing body must ensure that a student's name is removed from the school admissions register if 15 school days have passed since the parents were notified of the governing panel's decision to not reinstate the student and no application has been made for an independent review panel to the Local Authority.



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### ***Monitoring, Evaluation And Review***

The Governing Body will review and amend this policy and procedure at least every two years or as required by:

- Changes in legislation
- Changes in guidelines from advisory bodies
- The effectiveness of the policy

The next review will be December 2020

