



# The John Fisher School

## Exclusion Policy

**Responsible:** Governors' SLAW Committee

**Next Review Date:** September 2021

Nurturing young Catholic gentlemen  
Aspiring for Academic, Cultural & Sporting Excellence



## **Rationale**

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) 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;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

## **What legislation does this guidance refer to?**

- Section 51A of the Education Act 2002, as inserted by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012 & Updated Guidance from September 2017
- Sections 100 to 108 of the Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England)

Regulations 20074

### **1 Introduction**

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

- (a) In response to a serious breach of the school's Student Behaviour Policy;
- (b) If allowing the student to remain in school 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 Headteacher (or, in the absence of the Headteacher, the person who is acting in that role).

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:

- Actions which put the student or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- 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.

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

## **2 Exclusion procedure**

- The vast majority of exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
  - The Governing Body has established arrangements to review promptly all permanent exclusions from the school 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 Governing Body has established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations.
  - Following exclusion parents/carers are contacted immediately where possible. A meeting will be called or a letter sent by post giving details of the exclusion and the date the exclusion ends. Parents/carers have a right to make representations to the Headteacher and the Governing Body.
  - It is school practice to place the student on report usually for one week to monitor behaviour and work. If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the school, student and parents/carers.
  - A fixed term exclusion may take the form of an "internal" exclusion, with the student being isolated to work alone. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such exclusion will result in the student being required to remain at home.
- During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parent/carer. You cannot extend a fixed-term exclusion, or convert it into a permanent one. Instead, if a longer exclusion is required, you must issue a new fixed-term or permanent exclusion to begin immediately after the first one ends.

## **3 Re-admittance**

Following all fixed-term exclusions a re-admittance meeting will be held prior to the student returning to lessons. The meeting will include the student, his parent(s) or carer(s) and a member of the Senior Leadership Team, and where appropriate other members of staff. The purpose of the re-admittance meeting is to review the cause of the exclusion, address any concerns and agree any further interventions to prevent reoccurrence – this may include referral to outside agencies.

## **4 Permanent Exclusion**

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

1. 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 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 drug on School premises.

2. 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 drug.
- Carrying an offensive weapon \*.
- Arson.

\* *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."*

NB: The school will consider police involvement for any of the above offences.

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. Governors should be considering the reinstatement of a student, rather than the decision to exclude.

## **5 General factors the School considers before making a decision to exclude:**

The Headteacher broadly considers the following procedure.

- 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 Headteacher will:
- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the school's Behaviour, Equal Opportunities and Race Equality Policies.
- Allow the student to give his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that on the balance of probabilities the student did what he is alleged to have done, exclusion will be the outcome.

## **6 Exercise of discretion**

In reaching a decision on temporary or permanent exclusion, the Headteacher 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.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider *a)* the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy and *b)* the effect that the student remaining in the school would have on the education and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governing Body when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher 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. Notices of exclusions can be given electronically if parents/carers have given written agreement for notices to be sent in this way.

## **7 Alternatives to Exclusion**

Alternative strategies to exclusion are always used if possible. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Were a fixed term exclusion is more than five days the school will put into place, in liaison with other agencies, provision to ensure that the students receives the statutory requirement of education. This may include mandatory attendance at another local school, student referral unit or other approved educational provider for the remainder of duration of the exclusion.

## **8 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/carers will have the same right to gain information and to appeal.

## **9 Behaviour Outside School**

Students' behaviour outside school on school "business" for example school trips and journeys, travelling to and from school, away school sports fixtures or a work experience placement is subject to the School Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in School. For behaviour outside School but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for exclusion then the Headteacher may decide to exclude.

## **10 Drug and substance misuse Related Exclusions**

In making a decision on whether or not to exclude for a drug-related offence the Headteacher Teacher will have regard to the School's published policy on Drugs Education & Substance Abuse and will also seek advice from the LA's Drugs Education Advisor. 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 Headteacher will make a judgment set against the criteria in the school's Substance Misuse policy.

**Independent Review Panels:** will follow the updated statutory guidance from the DfE September 2017.