

## Linked policies

- Drug policy
- Behaviour Policy
- SEND and Inclusion Policy
- SEND Code of Practice
- Safeguarding Policy
- Bullying policy
- Home School agreement
- Single Equalities policy

## Aims

Balcarras is committed to ensuring the safety of all pupils and promoting excellent academic achievement for all. This policy sets out how exclusions will be used as a form of sanction to ensure that good behaviour and excellent discipline are maintained throughout the school.

## Introduction

A pupil may be excluded from school on disciplinary grounds. Balcarras recognises that exclusion is an extreme sanction. Exclusion is only used when the school judges that the behaviour of a pupil is sufficiently serious to merit an exclusion. A pupil may be excluded from school in the following circumstances:

- (a) In response to a serious breach of the School's Behaviour Policy
- (b) If the pupil has repeatedly broken school rules and previous sanctions have not been effective
- (c) If allowing the pupil to remain at school might risk the safety of pupils or staff
- (d) If allowing the pupil to remain at school might negatively affect the education of pupils at the school

## Exclusion Criteria

A pupil may be excluded from school in the following circumstances:

- Persistent disruptive behaviour
- Verbal abuse to Staff and others
- Verbal abuse to pupil
- Physical abuse on Staff
- Physical abuse on a pupil
- Deliberate unwanted physical contact with a teacher
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Fighting
- Encouraging others to fight (including being part of a crowd to watch a fight)
- Videoing and/or posting or forwarding videos of poor behaviour
- Videoing others so as to cause upset or embarrassment
- Posting offensive images or comments on the internet
- Threatened violence against another pupil or a member of staff
- Sexual abuse or assault

- Abusive or offensive language or images posted on the internet about pupils or teachers
- Cyber crime on any of the school's internet systems
- Carrying an offensive weapon.
- Arson
- Racist, homophobic or discriminatory abuse of another pupil or member of staff
- Bringing the school into disrepute
- Offensive language or behaviour to local residents on the way to or from school
- Damaging or attempting to damage local houses/property
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the school judges an exclusion to be an appropriate sanction.

Pupils are expected to behave within the school rules while at school (including lessons, registration, break time, lunchtime and after-school events/clubs) and also while traveling to and from school. The same rules apply during a pupil's commute as they do when in school. The school may sanction a pupil for behavioural concerns even outside of these times, including at weekends and holidays, if a pupil's behaviour is such that it brings the school into disrepute or causes upset or harm to a pupil, member of staff, neighbour or friend of the school.

## **Time Period**

Most exclusions are for a fixed period of time and are of short duration (usually between one and five days). However, a pupil can be excluded for up to 15 school days if necessary, and for up to 45 days in any one academic year.

## **Deciding on Exclusions**

When an incident has occurred that may result in an exclusion, the school will consider very carefully the surrounding events. Where possible statements will be taken from pupils who may have witnessed the event, and a judgement will be made by the pastoral team to try and decide the actual order of the events. Where a member of staff has witnessed an event, this evidence will be recorded and used as the primary source.

Any pupil who is at risk of exclusion will be given the opportunity to give his/her version of the events and these will be carefully considered. If a pupil is judged to have deliberately lied about the course of events, the sanctions may well be increased.

CCTV images will be used if appropriate and if the witness statements are not clear. However, it should be understood that in some situations it will not be possible to

ever know exactly what happened and in what order, but the school will always try to make a fair judgement, based on the likely probabilities.

The school will not jump to decisions, but instead take the time necessary to make the correct decision. In the intervening period, it may be necessary to withdraw some pupils from lessons and sit them with a pastoral leader, to avoid further conflict or upset. If any pupil is unduly upset and it is judged that he/she is not able to remain at school, parents will be called and asked to collect the pupil. Where other pupils or staff are at risk of harm, parents will be phoned straight away and asked to collect the pupil and take them home, while a decision about the necessary sanction is discussed.

The school is not required to prove beyond reasonable doubt. If the school is satisfied that, on the balance of probabilities, the pupil did what he/she is alleged to have done, exclusion will be the outcome.

## **Contacting parents**

If a decision is reached to exclude a pupil, parents will be contacted as soon as possible. This will usually be done by a telephone call.

A formal letter will always be written in the event of any formal exclusion. The letter will make clear

- the reason for the exclusion
- the date and time for return
- rules and restrictions that apply to a pupil who is excluded from school

The letter will be sent to parents as soon as possible, usually within 24hrs from when the decision to exclude was reached.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is the parents' responsibility.

## **Return Meeting**

Balcarras values the "Return Meeting" with parents very highly. Parents are asked to attend a meeting with a senior member of the pastoral team and these meetings form an essential aspect of the school's disciplinary procedures.

The meeting will usually take place early in the morning on the day of return to school. However, the school will try and find a time that is appropriate and convenient for all parties. Where appropriate, staff from other agencies may attend the return from exclusion meeting.

***Should parents fail to attend a "Return Meeting" the pupil will be required to work in isolation until such time as the meeting has been held.***

## **Fixed term exclusions over five days**

The school will provide alternative education from the sixth day of any period of fixed term exclusion of six days or longer. This alternative provision may take the form of:

- Education at an alternative provider (Abbey View)
- Virtual education via a computer terminal

or some other form of alternative education.

The school will liaise with the alternative provider to ensure that the pupil continues with work that is appropriate to his/her needs.

## **Permanent Exclusion**

A permanent exclusion would only be used in extreme circumstances and it is very rare for Balcarras to decide to permanently exclude a pupil. A pupil may be permanently excluded for persistent breaches of the school behaviour policy where other sanctions have not been successful, or in the event of a single very serious incident. Permanent exclusion may also result if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

If a pupil has been excluded for a fixed term on multiple occasions and continues to breach school rules, a permanent exclusion may be necessary.

The decision to permanently exclude a pupil would be taken by the Headteacher.

## **Case by Case Discretion**

Any decision to exclude a pupil will always be lawful, rational, reasonable, fair and proportionate. Balcarras will always aim for consistency in its application of sanctions. However, the school recognises that all pupils are different and background circumstances can affect behaviour. Where possible, all pertinent factors will be considered when deciding whether or not to permanently exclude a pupil.

## **Alternatives to Exclusion**

The School works closely with other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned. However, a managed move will not be used if it is judged that the pupil will not change his/her ways, or if the pupil's behaviour was likely to adversely affect the school to which the managed move was considered. The pupil will need to show genuine remorse and express a genuine desire to improve behaviour for a managed move to be considered.

## Missing a public examination

Where an exclusion might result in a pupil missing a public examination the school may consider alternatives:

- The exclusion might be rescheduled for a later date.
- The exclusion might take place as planned, but the pupil would be allowed to attend school just for the duration of the examination.

However, if the incident is judged to be sufficiently serious, the school may decide to enforce the exclusion and the pupil may have to miss some or all of his/her examinations.

## Legal responsibilities

The school will ensure that all aspects of exclusions will follow the legal responsibilities placed on academies. Full details of these responsibilities and statutory guidance can be found in the following document:

### **DfE Guide to Legislation 2017**

***“Exclusion from maintained schools,  
academies and pupil referral units in England”***

**Sept 2017**

It is not sensible to replicate all of the details from the DfE Guide to Legislation in the school's policy.

The DfE Guide to Legislation gives details on:

1. **How to appeal** an exclusion
2. **Legal limits** on lengths of exclusions
3. **Governing board's duty** to consider an exclusion
4. **Time frame** for governing bodies with regard to permanent exclusion
5. The academy's duty to arrange an **independent review panel**
6. The make-up and role of the **independent review panel**
7. **SEND provision** with regard to exclusions

For further information and all of the relevant guidance, the full DfE Guide to Legislation can be read at the following internet address:

**[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)**