



Birmingham Ormiston Academy  
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# BOA

## Exclusion Policy

**Date of Issue:** September 2019  
**Date of Review:** September 2020

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### Rationale

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

- 1) The first is to ensure the safety and well-being of all members of the academy 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.

### Introduction

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

- a) In response to a serious breach of the Academy's Behaviour Handbook.
- b) If allowing the student to remain at the academy would seriously harm the education or welfare of the student or others in the academy.

Exclusion is an extreme sanction and is only administered by the Principal (or, in the absence of the Principal, the Vice Principal 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 Academy's Behaviour Handbook:

- Defiance of academy rules
- Repeated disruption of learning
- Unacceptable behaviour which has previously been reported and for which academy sanctions and other interventions have not been successful in modifying the student's behaviour.
- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Persistent use of foul language
- 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
- Bringing illegal drugs and or drug paraphernalia onto site
- Supplying an illegal drug (on or off site)
- Carrying an offensive weapon
- Arson
- Bringing the Academy into dispute

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**

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The DfE's regulations allow the Principal to exclude a student for one or more fixed periods not exceeding 45 teaching days in any one academic year.
- The Governing Body has established arrangements to review promptly all permanent exclusions from the academy and all fixed term exclusions that would lead to a student being excluded for over 15 days in an academy 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 between 6 and 14 days in an academy 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 from Exclusion meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team. Following an exclusion for a serious incident, a member or representative of the Governing Body may be present.
- During the course of a fixed term exclusion where the student is to be at home, parents are advised that the student is not allowed on the academy premises, and that daytime supervision is their responsibility, as parents/carers.
- In deciding if an exclusion is appropriate the Principal will need to take into account any conflict between the decision to exclude and other academy policies such as the SEN, Anti-Bullying and Equality policies, where appropriate. This does not mean, for example, that a child with a Statement of Special Educational Needs cannot be excluded from BOA but rather that the Statement would need to be taken into account as a mitigating factor when making the decision whether or not to exclude.

## 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), persistent and serious disruption of teaching and learning across the Academy or repeated possession and/or use of an illegal drug on academy 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 (on or off the premises)
  - Possession or use of an illegal drug (see Drug Related Exclusions).
  - Carrying an offensive weapon \*.
  - Arson.

The academy will consider police involvement for any of the above offences.

- ❖ 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.”

Please note: any person found in possession of an illegal weapon (e.g. knife) must be reported to the Police.

The Principal and authorised staff have the statutory power to search students without consent when they have reasonable grounds for suspecting that serious harm will be caused to a person if the search is not conducted immediately. This extends to instances where a member of staff has lawful control or charge of a student

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 academy.

## **General factors the academy 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 academy 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 taking into any appropriate academy policies.
- 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.

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

### **Exercise of discretion**

In reaching a decision, the Principal will always look at each case on its own merits. While it is important to ensure that decisions are both fair and consistent it is also true that the circumstances of each case will be different and therefore it will inevitably be the case that students will receive different sanctions and differing exclusions for what may seem to be similar offences.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Academy's Behaviour Handbook and b) the effect that the student remaining in the academy 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' Review 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 record, witness statements and the strategies used by the academy to support the student prior to exclusion.

### **Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Academy's Behaviour Handbook. The academy will work closely with its regional LAs and other secondary schools to undertake a managed move where such a course of action would be of benefit to the student.

### **Lunchtime Exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the academy 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**

Students' behaviour outside BOA on academy business, for example trips and journeys, away or a work experience placement, is subject to the Academy's Behaviour Handbook. Bad behaviour in these circumstances will be dealt with as if it had taken place in the academy. For behaviour outside BOA but not on academy 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 academy or on a journey to and from BOA is poor and meets the academy 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 academy's published policy on drugs and may also seek advice from the police. 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 Academy's Drugs Policy.