

“Enjoying ‘life in all its fullness’ by achieving your personal best!”



EXCLUSION POLICY

THE HEREFORD ACADEMY

1 Introduction

It is the wish of the Academy that all students are present all of the time. Students will be supported by staff and parents to attend regularly. There will be at times, however, when students at the Academy may have to be excluded for a fixed term period or permanently. The Academy will ensure that if this is the case – all incidents will be dealt with transparently and as quickly as possible.

In most cases exclusion will be the last resort after a range of measures have been tried to improve the student's behaviour.

2. Academy Purpose

The purpose of this Academy policy is to provide an environment in which students can:

- Stay safe
- Enjoy and achieve
- Be healthy
- Achieve economic well being
- Make a positive contribution

3. Rights and Responsibilities

3.1 My rights as a member of The Hereford Academy are:

- To learn to the best of my ability
- To be treated equally and with respect.
- To learn in a clean, safe and secure environment.
- To have lessons start on time.

3.2 My responsibilities as a member of The Hereford Academy are:

- To learn and let others learn.
- To treat others equally and with respect.
- To treat the Academy and the property of others with respect.
- To get to lessons on time.

4. How we encourage appropriate behaviour

Staff do this by:

- Creating and maintaining a secure learning environment where students can learn, free from physical or emotional threat.
- Effectively using the Academy's Rewards Procedure
- Setting and maintaining clear limits and imposing consequences where necessary using the 'C' System.
- Having high expectations of students

5. Behaviour we expect

The Academy expects all students to follow these Rules and Code of Conduct.

5.1 Code of Conduct

- Politeness and respect are very important. We should show them to everyone – students, staff and visitors.
- We should follow the rules of the Academy.
- All forms of bullying are unacceptable.
- Act in ways which do not endanger yourselves or others.
- Other people's property should be left alone or given to an appropriate member of staff.
- We should walk sensibly and with care of others inside the building.
- Foul language should never be used.
- We should wear our uniform at all times.
- We are all ambassadors for The Hereford Academy

5.2 Rules around the Academy

- Move around the building quietly and carefully and arrive at the correct place on time. Remember which areas are out of bounds and stay away from them.
- Place litter in bins provided.
- All food and drink should be consumed in the dining area.
- Chewing gum is not allowed in the Academy.
- Attend the Academy every day unless your absence is explained by a parent in writing the following day. You must be at registration before the bell. If you are late, sign in with the Attendance Officer.
- Parents must ensure they contact the Academy on the first day of absence
- Unless you have a lunch pass you are not permitted to leave the campus between 12.35 p.m. and 1.15 p.m.
- You should wear correct Academy uniform at all times, including PE lessons and on the Academy trips unless directed otherwise.
- Parents must ask permission for a temporary deviation from the Academy uniform. Students will be sent home if they are not wearing the appropriate uniform.

- Jewellery should not be worn in the Academy with the exception of 1 pair of ear studs.
- Students wishing to cycle to the Academy should bring a letter from their carer/parent and obtain a bike pass. Cycles should be locked in the cycle store at the front of the Academy. All cycles should be in a roadworthy condition.
- Inappropriate or dangerous items must not be brought into the Academy. This includes: cigarettes, lighters, matches, white correcting fluid, aerosol cans, knives and cans of drink.

5.3 Student Expectations

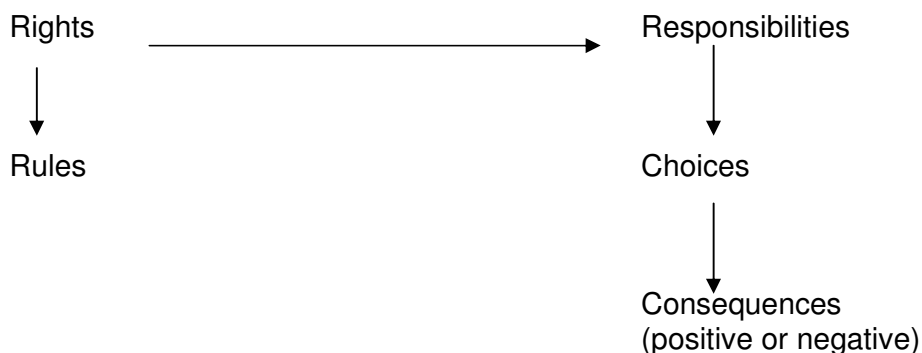
- Providing positive feedback about students' efforts and achievements – see Reward System.
- Setting work and targets that are relevant and appropriate to students' abilities.
- Ensuring students' legal rights and equal opportunities are actively maintained.
- Informing parents about their child's progress
 - Weekly, Progress and Annual Reports (where appropriate)
 - Telephone conversation with parents
 - Parents' information evenings and academic tutoring days
 - Parental meetings with appropriate staff
 - Termly/ annual reviews for students with AEN

6. The Academy's 'C' System

The Academy's 'C' or consequence system is an effective behaviour management process that supports transparency and impartiality. The importance of this is that it acts as an early warning system to indicate to students where they are with reference to sanctions that will take place.

6.1 Rights and Responsibilities and their Outcomes

As stated earlier in the Hereford Academy students should be aware of their rights as well as their responsibilities. Students should be aware that if they have the right to learn, they also have the responsibility to allow others that right.



The Academy intends to make students aware that the way they behave is their **choice**, and that consequences will follow as a result of the choice they make.

Consequences can be either positive or negative in that they may be *rewards* and *sanctions*.

It is essential that the consequences be:

- Fair and reasonable
- Punishment fits the transgression
- In the person's best interests

6.2 General Notes

- There will inevitably be times when it will be necessary, due to the severity of the situation, to jump stages on the following diagram e.g. students being violent or abusive to staff. In these instances, however, staff need to attend with the student to see the senior academic staff member and not just send them to an office. If this is not practical, staff must see the relevant senior member of staff or Head of Curriculum Area immediately an opportunity becomes available. **Failure to do this can make the situation much more difficult to resolve for all concerned, and may make unnecessary work for others.**
- At every stage of the procedure, from all but **C1** and **C2**, the tutor needs to be informed, by the **member of staff affected**, in order to keep an accurate overview. This is easily done through logging on Facility - E Portal.

6.3 CHOICE leads to a CONSEQUENCE - 'C' System

C1 Verbal Warning – a reminder that the student is breaking **our class rules**

(If the student continues to ignore this sanction then the member of staff will use the following sanction)

C2 Verbal Correction – the student is moved within the classroom a reminded that there has been a continuation of behaviour that is **stopping other students learning**

(If the student continues to ignore this sanction then the member of staff will use the following sanction)

C3 Brief Word (at end of lesson) – the student is expected to remain behind at the end of the lesson, or report back at break or lunchtime to discuss the situation with the member of staff. A verbal apology or letter of apology is required from the student.

(If the student continues to ignore this sanction then the member of staff will use the following sanction)

C4 Detention for one hour is given on Tuesday, Wednesday or Thursday at the end of the learning day from 3.10pm – 4.10pm. 4Ws form to give students an opportunity to give their point of view. **This form must be discussed by the member of staff affected with the student.** If the student **chooses** to continue abusing the rights of others they will be given a **C5**. If a student disrupts a **C4 detention** then they will be referred to seclusion for a day.
(If the student ignores this sanction then the member of staff will use the following sanction)

C5 SLAM Call Out – student is removed from the classroom and letter to parents informing them of the Academy's concern.
(If the student ignores this sanction then a **senior member of academic staff** will use the following sanction)

Senior Members of Academic Staff are:

The Principal
Deputy Principal (Standards and Evaluation)
Deputy Principal (Teaching and Learning)
Vice Principal (Community)
Director of Science
Director of Sport and Health
Director of Strategy
Head of Key Stage 3
Head of Key Stage 4

C6 Internal Seclusion and interview with parents: If a student disrupts the learning in the Seclusion Unit they will be referred for an extra day and parents may be asked to work with them.
(If the student ignores this sanction then the **Principal** will use the following sanction, or a **Deputy Principal** or a **Vice Principal** will recommend the following sanction)

C7 Fixed Term Exclusion this will be given to students who refuse to attend **C6** sanction, disrupt the learning in the Seclusion Unit or have been involved in a serious breach of the Academy's behaviour policy and if allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy.
(**Only the Principal** or in his absence the **Deputy Principal (Standards and Evaluation)** can exclude students from the Academy.)

Normally the exclusion will last **from one to five days** depending on the seriousness and frequency of exclusions the student has had over the last twelve learning weeks. There may be **occasional situations** that the Principal and the Governing Body will require longer exclusions up to a maximum of 45 days in any one academic year. From **day 6 – 15** the Academy will be responsible for the full time provision of the

students. From **day 16 – 45 Hereford Local Authority** will be responsible for the full time provision of the student. If a student has been excluded for more than **5 days in any one academic year** the Principal, or his representative, will meet with parents to decide how to ensure that the student is not permanently excluded from the Academy

C8 Permanent Exclusion a decision to exclude a child **permanently** is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the academy that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

One off incidents - There will, however, be exceptional circumstances where, in the Principal's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These will include:

- a) Serious actual or threatened violence against another student or a member of staff
- b) Sexual abuse or assault
- c) Supplying an illegal drug
- d) Carrying an offensive weapon*

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the Academy community.

* An offensive weapon will be considered as such if it has the ability to harm or kill another person

7. Exclusion Procedure

Exclusion should not be imposed in the heat of the moment, 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:

- a) Ensure that a thorough investigation has been carried out;
- b) Consider all the evidence available to support the allegations, taking account of the Academy's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended;
- c) Allow and encourage the student to give his or her version of events;
- d) Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment;

- e) If necessary, consult others, but not anyone who may later have a role in reviewing the Principal's decision, for example a member of the governing body.

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Principal may exclude the student. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard to be applied but it does mean that when investigating more serious allegations, the Principal will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the student's past behaviour), in determining whether it is more probable than not that the student has committed the offence.

7.1 Return procedure

When a student returns after exclusion he or she will see one of the following with his or her parent or carer:

- a) 1 - 3 days Head of Key Stage or Vice Principal
- b) 4 – 5 days Vice Principal or Deputy Principal
- c) Above 5 days The Principal

7.2 Removal of students from the Academy in exceptional circumstances

There may be exceptional circumstances in which the Principal needs to remove students from the Academy site when exclusion would be inappropriate. An example is where a student is accused of committing a serious criminal offence which took place outside the Principal's jurisdiction (perhaps during a weekend or the Academy holiday and off the site) and the Principal considers it appropriate to remove the student from the site. There may be insufficient evidence to warrant exclusion.

A Principal need not postpone his or her decision to exclude a pupil simply because of the possibility that criminal proceedings may be brought in respect of the same incident, but the critical factor in any such case will be the evidence that is available to the Principal. In such circumstances, a judgment must be made on the basis of the evidence available. If, having considered the evidence, on a balance of probabilities the Principal concludes that it is likely that the pupil committed the alleged offence, then normally we would expect the Principal to exclude the pupil if it would be appropriate to do so, for example if he represented a danger to other persons at the school. It may be advisable, where the evidence is not clear cut or is still coming to light, to first exclude the pupil for a fixed period.

Relevant considerations include the fact that:

- a) A serious allegation has been made against the pupil by another pupil or member of staff at the school which is the subject of a police investigation which may result in criminal proceedings being brought;

- b) Pending the conclusion of any such criminal proceedings, the pupil's continued presence in the school may have an adverse effect on the complainant and other potential witnesses, and on the promotion of good order and discipline at the school generally.

Where a Principal excludes a pupil in circumstances such as those outlined in the preceding paragraph, the Academy's governing body has no power to postpone their meeting to consider the pupil's exclusion beyond the statutory time-limit. In deciding whether to direct the Principal to reinstate the pupil, therefore, they too may be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis.

The Principal can authorise leave of absence for a fixed period, with the parents' agreement, or, exercising powers delegated by the governing body under section 29(3) of the Education Act 2002, can arrange for the student to be educated elsewhere (without parental approval, although the parents should be notified). However, such education elsewhere must be arranged for the purposes of receiving any instruction or training included in the secular curriculum of the Academy. Whether the student has been granted leave of absence or is being educated elsewhere, the Academy must ensure that the student's full-time education continues while off site. Any such arrangements do not amount to an exclusion from the Academy on disciplinary grounds and should be kept under periodic review involving the parents.

Where there is sufficient evidence to enable a the Principal to consider exercise of the power to exclude we would not expect the section 29(3) power to be exercised or arrangements to be made for authorising leave of absence in connection with the behaviour in question. It is important that in such exceptional circumstances the Principal's actions and arrangements are documented to remove any possibility of this being construed as an illegal exclusion. If exclusion some time later remains a possibility, the Principal should make the parents aware of this at the outset. The more time that passes the more difficult it becomes to impose exclusion for an event in the past.

7.3 Removal of students on health and safety grounds

The Principal, or his representative, can send a student home or to another agreed destination, after consultation with that student's parents and, if possible, a health professional (for example, the Academy nurse), where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other students and staff. This is not exclusion and should be for the shortest possible time. If difficulties persist, the Principal should seek medical advice.

7.4 Managed move

If it is seen to be in the student's best interest then the Academy will participate in the Local Authority's managed move protocol. The Academy

will undertake to follow this protocol in the same way community schools participate.

8. Role of Governing Body in Exclusions

Governing bodies must review all permanent exclusions from their school, and all fixed period exclusions that would result in a student being excluded for more than 15 school days in any one term, or missing a public examination. Governing bodies must also review fixed period exclusions which would result in the student being excluded for more than 5 school days but not more than 15 school days in any one term, only where the parent has expressed a wish to make representations. They must decide whether or not to reinstate the student, if appropriate, or whether the Principal's decision to exclude the student was justified. *The governing body can delegate the function of reviewing exclusions to a committee consisting of at least three governors which may be called the Discipline Committee.*

8.1 Duty of the Governing Body in Permanent Exclusions

In discharging its duty the Academy Trust will have regard and will ensure that the Independent Appeal Panel has regard to the Secretary of State's guidance on exclusions for maintained schools in accordance with any written directions from the Secretary of State on the interpretation of such guidance for the purpose of this annex.

At the date of this agreement, the Secretary of State's guidance on exclusions is called "Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units", which is published on the DfES website at:
<http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/>.
The title, contents and publication site of this guidance may be subject to change and the Academy Trust will have regard to the guidance as it stands at any given time.

8.2 Constitution and conduct of independent appeal panels

In addition to the obligations under the paragraphs in 8.1, the Academy Trust will be responsible for carrying out the functions of the Local Authority, as specified in the guidance, for the management of the appeal procedure. The Appeal panel must be impartial and constituted in accordance with the provisions of the guidance detailing the composition of the Appeal Panel *and will include, if possible, one local secondary Head teacher*. The Academy Trust will arrange suitable training for appeal panel members and clerks.

The appeal panel's decision is final and binding on the Academy Trust. Decisions of appeal panels are in principle amendable to judicial review on the application of a parent. A parent may not, however, appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration because the Commissioner's remit is limited to considering the conduct of appeal panels constituted by Local

Authorities.

9 Monitoring and Evaluating the Policy

This Policy will be monitored, reviewed and reported to parents annually.

Review Panel: The Academy's Discipline Committee

Mr J. Sheppard Principal, the Hereford Academy