



WEST MIDLANDS EDUCATION & SKILLS

EXCLUSION POLICY

## **Introduction**

West Midlands Education & Skills prides itself on the excellent behaviour of the vast majority of our students. Occasionally, however, it is necessary to deal firmly with a specific issue or incident. It is the intention of the school to maintain the highest standards; this may result in a strong line being taken over an issue when, in another school, a more tolerant approach may be adopted. The purpose of exclusion is to show that, in a happy, purposeful and well disciplined school, certain actions are unacceptable and that if an individual cannot conform to the school's high expectations, he/she must be removed.

The decision to exclude a student lies solely with the Head of School. Although the Head of School may not necessarily be involved in the investigation of an incident, he will usually make the final decision on whether or not to exclude.

## **Decision to exclude**

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

- (a) in response to a serious breach of the school's 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 will be used when there is an immediate threat to the safety of others in the school or to the student concerned. Before deciding whether to exclude a student, either permanently or for a fixed period, the Head of School will ensure appropriate investigations have been carried out, considering all the evidence available.

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:

- verbal abuse to staff and others;
- verbal abuse to student;
- physical abuse to/attack on staff;
- physical abuse to/attack on student;
- indecent behaviour;
- damage to property;
- misuse of illegal drugs or other substances including supplying;
- theft;
- serious actual or threatened violence against another student or a member of staff;
- sexual abuse or assault;
- 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 it is decided 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.

Following exclusion, parents/guardians/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends.

As outlined in the notification of exclusion, parents/guardians/carers have a right to make representations to the Head of School of West Midlands Education & Skills and Children's Services Directorate Social Inclusion Officer at the Local Authority (LA).

A 'return to school' meeting will be held following the expiry of the fixed term exclusion; this will involve the student, parent/carer, and a representative from the LA or educational authorities and other staff where appropriate.

It is school practice to monitor behaviour and work of the student very closely for the period following exclusion.

If the fixed term exclusion is greater than five days, or an accumulation of exclusions exceeds five days, a Support Plan may be drawn up. The plan needs to be agreed with the school, student, parents/guardians/carers and any agencies involved.

During the course of a fixed term exclusion (where the student is to be at home) parents/guardians/carers are advised that the student is not allowed on the school premises and that (as parents/guardians/carers) daytime supervision is their responsibility.

### **3 - 4 days exclusion**

Where students are excluded for a period exceeding 3 - 4 days and West Midlands Education & Skills cannot meet their needs, the discretion of the Head of School will be followed.

### **Unofficial exclusions**

Formal exclusion is the only legal method of removal if a student is sent home for disciplinary reasons (including lunch times). "Informal" or unofficial exclusions are unlawful", regardless of whether they are done with the agreement of parents or carers.

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

The school will consult with Local Authority officers for any exclusion of more than five days in order that appropriate full time education is arranged.

The school will liaise with the outside education provider to ensure that the student continues with their programme of study. In most cases, the school will set the work to be completed and ensure that it is completed appropriately.

## **Permanent Exclusion**

The decision to exclude a student permanently is a very serious one. 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 issues following the use of a wide range of other strategies that 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 e.g. repeated bullying (which could include racist or homophobic bullying) or repeated possession and or use of an illegal drug on school premises.

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.

The School 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.” 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.

## **Exercise of discretion**

In reaching a decision, the Head of School 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 Head of School will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy and the effect that the student remaining in school would have on the education and welfare of other students and staff.

### **Behaviour Outside School**

Student behaviour outside School on school "business", for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the school's Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If student behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion then the Head of School may decide to exclude.