



BLACKWATER ACADEMY

POLICY

EXCLUSION POLICY

Academic Year	Designated Person	Nominated Governor	Chair of Governor
2019-2020	MR MORRISON	NAHEEM KHAN	ANDRA TOROACHE

Review of Policy

Review Date	Changes Made	By Whom	Date Shared to staff
July 2020	NO		
JULY 2021	NO		

BLACKWATER ACADEMY

EXCLUSION & APPEALS POLICY



Rationale

Blackwater Academy's Exclusion Policy supports our Behaviour Policy. We aim to:

- Allow all pupils the right to learn without hindrance or distraction;
- Promote good conduct and positive behaviour throughout the school based upon mutual respect;
- Create a caring community where consideration for oneself, others and the environment is regarded as being important and of value;
- Ensure that every pupil has the right to be safe and happy in school;
- Ensure that we do not tolerate bullying;
- Ensure every pupil feels valued and respected;
- Consistently apply our behaviour and discipline policies;
- Ensure procedural fairness and natural justice.

Types of exclusion

Permanent Exclusion: following serious incident/misconduct—a dismissal from the school in disgrace, formally recorded.

Fixed Term Exclusion: when it is necessary for the pupil to be removed from school but the circumstances do not merit formal permanent exclusion. Fixed Term exclusions are formally recorded.

Withdrawal is a managed move to another school, with consent of all parties involved; In addition, the school reserves the right to request the removal of the pupil for fees not paid as per the terms and conditions.

Behaviours that may warrant exclusion.

A fixed term or permanent exclusion may be used as a sanction:

- To allow the pupil to remain in school would seriously harm the education, welfare, moral or physical wellbeing of the pupil or others in the school;
- The incident concerns serious actual or threatened violence, or sexual abuse or assault;
- Where banned or illegal substances have been brought on to the premises; (where banned or illegal substances have been traded by the pupil, permanent exclusion is the most likely sanction);
- Drugs or alcohol have been brought on to the premises;
- Offensive weapons have been brought on to the premises;
- There has been serious misconduct towards a member of the school community;
- There has been activity which brings the school into disrepute on or off school premises.

In addition, permanent exclusion will be considered when, following a fixed term exclusion a pupil has failed to change his/her behaviour and persists in such behaviours as:

- Bullying;
- Disrupting the class;

- Displaying unacceptable and antisocial behaviour;
- Endangering the safety and wellbeing of pupils and staff;
- Refusing to comply with the behaviour code of the school.

The school will keep a record of serious behavioural incidents including fixed term and permanent exclusions. The record must detail:

- Name of pupil;
- Date when the incident/exclusion took place;
- Name of parent, guardian or carer;
- Date of incident and a brief statement of circumstances and investigation;
- Staff members involved;
- Actions taken;
- Brief statement of outcome of any appeal and follow up.

Contact Logs must contain simple, clear notes of all conversations with parent(s), guardian(s) or carer(s) relating to the exclusion, including telephone conversations. Contact Logs must be stored in the confidential administrative files in the office.

Procedure for Exclusion

Where a serious breach of the School's disciplinary code has taken place a thorough investigation of the circumstances must always be carried out. The pupil's parent(s), guardian(s) or carer(s) must be informed as soon as reasonably practicable.

A pupil may be excluded from the school for a fixed term whilst an incident is being investigated; the head teacher will consider the evidence from the investigation and will decide whether there is sufficient proof to warrant disciplinary action. The full range of disciplinary sanctions must be considered taking into account any special needs, Individual Education Plans, Individual Behaviour Plans and referral to outside agencies and/or support services.

Permanent exclusion is a final sanction and will only be applied by the head teacher after consultation with the staff and once alternatives have been considered. Wherever possible the head teacher will inform the parent(s), guardian(s) or carer(s) of any incident that could lead to permanent exclusion and the details of the investigations taking place.

It is recognised that this may not always be possible, in particular where on-going investigations produce new material. Confidentiality of all parties must be emphasised including not using social media to comment on the circumstances, investigation or outcome.

The head teacher must meet with the parent(s), guardian(s) or carer(s) and pupil after the investigation but before a decision is reached. S/he will refer to relevant school policies and procedures setting out details of the incident and the investigation. The pupil, parent(s), guardian(s) or carer(s) will have an opportunity to state their side of the case.

The head teacher will notify the parent(s), guardian(s) or carer(s) and child of his/her decision within two working days of this meeting. A decision to permanently exclude, withdraw or remove a child shall take effect 72 hours after the decision was first communicated to a parent, guardian or carer. Until then, the pupil is excluded from the school premises. S/he must not make contact with other pupils including the use of social

media. Parents, guardians or carers, if dissatisfied, may lodge an appeal with the Governors within 72 hours to apply for a review. If the parents, guardians or carers do so, the pupil shall remain excluded until the review has taken place. In their application the parent(s), guardian(s) or carer(s) must state the grounds on which they are asking for a review, and the outcome which they seek. If the parent(s), guardian(s) or carer(s) have any new factual information relating to the incident it must be lodged with Blackwater Academy at least five working days before the day of the appeal hearing. No new information can be accepted after this date.

Meeting with the Review Panel

If a meeting is requested, those invited to attend will be:

- The head teacher, and at most one other member of staff;
- The chair of governors;
- The parents, guardians or carers.

The Review Panel will consist of:

- A member of the Blackwater Academy team who has not hitherto been involved in the investigation,

Who will chair the panel;

- Wherever possible, a head teacher or principal from another comparable school not in or linked to Blackwater Academy
- One (or if a head teacher is not available in the designated time frame, two) professional people entirely independent of Blackwater Academy

The parent(s), guardian(s) or carer(s) may be accompanied by a friend or relation. It is not expected that either party will attend with a legal advisor. The meeting will take place at the school, usually between 3 and 10 working days after the parents; guardians' application has been received. A review will not usually take place during the school holidays. All those involved in the meeting are required to keep its proceedings confidential.

Procedure

Seven working days before the date of the hearing:

- the parent(s), guardian(s) or carer(s) are asked to submit a full statement to Head teacher as to why they are appealing the decision, the grounds on which they consider the original judgement unsound and the alternative action to be taken by the school that the parent(s), guardian(s) or carer(s) would support;

- the school is asked to submit a full account of events that led up to the original decision, stating the grounds on which the decision was reached and alternative sanctions that were considered, with reasons as to why these were judged insufficient.

Both statements will be circulated to all those attending the panel hearing immediately on receipt. No new paperwork or information will normally be accepted after this.

Minutes will be taken.

Everyone is expected to show courtesy, restraint and good manners. The Chair may, at his or her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand. The Chair of the Panel will commence the hearing by asking the school to summarise its case, followed by the parent(s), guardian(s) or carer(s).

There will then be an opportunity for questions from any of those attending, followed by a summary statement if desired from the parent(s), guardian(s) or carer(s), followed by the school. If the parent(s), guardian(s) or carer(s) are dissatisfied with any aspect of the meeting, they must inform the Chair at the time and ask that their dissatisfaction and their reasons for it should be minuted.

The Panel will then retire to consider its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. Parent(s), guardian(s) or carers will be notified of the decision in writing within three working days of the meeting.