

## **JAMES EXCLUSION POLICY**

JAMES is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its students, staff, community and visitors to the school.

### Rationale

This policy is underpinned by the commitment of all at JAMES to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

We have an overall aim of reducing the need to use exclusion as a sanction.

### Introduction

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

- (a) In response to a serious breach of JAMES Behaviour Policy.
- (b) If allowing the student to remain at JAMES it would seriously harm the education or welfare of the student or others at JAMES.

Exclusion is an extreme sanction and is only used by the operations manager (or, in the absence of the operations manager, another member of the Management Team/Senior leadership).

Exclusion will be used when there is an immediate threat to the safety of others at JAMES or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the operations manager 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 conducts, and are infringements of the JAMES Behaviour Policy:

- Verbal /threatening abuse to Staff, members of the public or student/s.
- Physical abuse to/attack on Staff or student.
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse, harassment 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 the operations manager makes the judgment that exclusion is an appropriate action.

Exclusion procedure:

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- Regulations allow the operations manager to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- Following exclusion parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends and emailed to referrer.
- Parents/carers have a right to make representations to the board as directed in the letter.
- A 'return to JAMES' meeting will usually be held following the expiry of the fixed term exclusion and this will involve the student, parent/carer and/or referrer and a member of the Senior Leadership Team and other staff where appropriate.
- It is JAMES practice to monitor behaviour, engagement and progress of the student very closely for the period following exclusion. This may mean the use of a report, close support by staff or a behaviour contract.
- If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, or after what is deemed to be a serious incident, a Support Plan or behaviour contract may be drawn up. This needs to be agreed with the school, student, parents/carers and any agencies involved.
- During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on JAMES premises, and that daytime supervision is their responsibility, as parents/carers.
- We will provide work to complete at home if the exclusion period will impact on progress.

Fixed term exclusions over five days

JAMES is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.

JAMES will consult with the LA officers or the referring school for any exclusion of more than five days in order that appropriate full time education is arranged.

The school will endeavour to provide education by working with:

- An alternative setting
- The Local Authority including the SEND Team

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, 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 e.g. repeated bullying (which could include racist or homophobic bullying) or repeated possession and, or use of an illegal drug on JAMES 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 or member of the public.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon\*
- Arson.
- Considerable damage to property.

JAMES 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 JAMES.

## Exercise of discretion

In reaching a decision, the Management Team 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 operations manager will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of JAMES Behaviour Policy and the effect that the student remaining at JAMES would have on the education and welfare of other students and staff.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations at a Governors exclusion appeals hearing/meeting, when it meets to consider the operations managers decision to exclude.

## Alternatives to Exclusion

JAMES works closely with other local education providers to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. However,

the threat of a permanent exclusion will never be used as the means to persuade parents/ carers to move their learner to another school. We would also never encourage home schooling as we believe that for the majority of our students this would not be of benefit to their learning, wellbeing, social development or their family.

#### Behaviour Outside of JAMES

Student's behaviour outside JAMES on JAMES "business" for example educational visits and residentials, school sports activities or a work experience placement is subject to JAMES Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place at JAMES. If student's behaviour in the immediate vicinity of JAMES or on a journey to and from JAMES is inappropriate and meets JAMES criteria for exclusion then the operations manager may decide to exclude. Incidents and correspondence away from school such as internet bullying could also result in an exclusion.

Signature Principal -



Signature Chair –



POL- educational visits		Issue 1.  Sep 13		Minor changes Dec 2017  Check/update sep 2021  Minor changes aug 2022  Minor changes Aug 2023
-------------------------	--	------------------------	--	---