

St Matthew Academy

EXCLUSION Policy

St Matthew says '*let your light shine.*'

At St Matthew Academy we let our light shine by:

- Growing our inclusive, caring Catholic community
- Nurturing faith, discovering talents and cultivating ambition
- Transforming each other through integrity, courage and service

Enabling everyone at St Matthew Academy to flourish.

Date of approval	Autumn 2021
Date of review	Autumn 2022

1. Aims

We recognise our duties and responsibilities as laid down by the DfE: *Exclusion from maintained schools, academies and pupil referral units in England September 2017*) and aim to avoid exclusion wherever possible. St Matthew Academy is committed to inclusion; however, the Governing Body recognises that from time to time situations may arise when the Headteacher may feel that exclusion is an appropriate response to a situation or action on the part of a pupil.

The decision to exclude a pupil may be taken in the following circumstances:

- in response to a serious breach of the Behaviour Policy
- in response to persistent breaches of the Academy Behaviour Policy and that allowing the pupil to remain at St Matthew Academy would prejudice the education or welfare of the pupil or others in academy

Our Academy aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

3. The Decision to Exclude

Only the Headteacher, or acting Headteacher, can exclude a pupil from the Academy.

St Matthew Academy is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Reasons for Exclusions

Exclusion is an extreme sanction and is only available to be administered by the Headteacher.

Exclusion is not an appropriate sanction for minor incidents but may be used for:

- Defiance of staff instructions
- Consistent Failure to attend detentions set by the Academy
- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to / attack on Staff
- Physical abuse to / attack on pupils
- Indecent behaviour
- Damage to property
- Misuse/trading of illegal drugs
- Misuse/trading of other substances
- Theft
- Unacceptable behaviour which has previously been reported and for which the Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour
- The bringing into The Academy weapons of any description
- Behaviour that brings the academy into disrepute

The list above is neither exhaustive nor is it prescriptive. Each pupil's behaviour will be judged individually and the context will always be taken into account.

Procedures and Expectations

Fixed Term Exclusion

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- In more serious cases the Headteacher may decide to exclude a pupil for 5 days.

- DFE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one the school year.
- Following exclusion parents are contacted immediately where possible. A letter is also sent with the pupil and by post giving details of the exclusion and the date the exclusion ends.
- A reintegration meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and / or Secondary Director of Learning, and other staff where appropriate. Parents or a responsible adult must attend the reintegration meeting.
- In some cases, the Academy may choose to administer further sanctions on return to the academy, such as a period of close monitoring or time away from peers.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. It will usually be the formal step in a process for dealing with disciplinary offences following 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.

There are exceptional circumstances where it is appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying or use of an illegal drug
- Carrying an offensive weapon *
- Arson

The Academy would consider police involvement for any of the above offences.

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.

**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'.*

Factors The Academy considers before making a decision to exclude

Exclusion will 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 pupil concerned.

Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations
- Consider whether issues of equality (such as race, gender, sexuality or special educational needs and disabilities) or bullying could have played a part in the incident
- Allow the pupil to give his / her version of events, where considered appropriate
- Consult with others if necessary
- If the Headteacher is satisfied that on the balance of probabilities that the pupil did what he or she is alleged to have done, exclusion will be the outcome.

The Headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil

- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay. For all other exclusions, the Headteacher will notify the governing board and LA once a term.

Exercise of Discretion

The Headteacher will always look at the particular circumstances of each case.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- a) The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Academy's Behaviour Policy and Code of Conduct.
- b) The effect that the pupil remaining in the Academy would have on the education and welfare of other members of the Academy community. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the Academy's usual policy in this particular serious matter to issue a permanent exclusion.

Making Representations Following Exclusion

Parents or Carers have the right to make representations about the exclusion decision to the Governing Body in the event that their child is excluded, in total, for more than 5 school days in a term. Parents or Carers should contact The Clerk to the Governors at St Matthew Academy