



# South Bank Academies

Part of **LSBU** | GROUP

## Exclusions Policy

### Introduction

South Bank Academies Trust (the trust) is accountable for South Bank University Academy and South Bank UTC. This policy outlines the trust's systems in relation to exclusion. This policy is linked to the separate behaviour policies at each school.

### Aims

Exclusion is a sanction used by schools in the trust only in cases deemed as serious breaches of the behaviour policy. Exclusions are to be avoided where possible through a range of preventative measures and through fostering a positive, respectful learning culture.

The aim of the policy is to ensure that

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and students
- Students in the trust's schools are safe and happy
- Students do not become NEET (not in education, employment or training)

### Statutory guidance

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

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

- 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 students
- 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](#)

This policy complies with our funding agreements and articles of association.

## **The decision to exclude**

In conjunction with the behaviour policy, the decision to recommend a student for fixed-term or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the behaviour policy, beyond that which would result in an internal sanction;
- If allowing the student to remain in the school would seriously harm the education or welfare of the student or others in the school community.

The trust is aware that off-rolling is unlawful and will ensure that this practice does not take place in its schools. 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.”

Before any decision to exclude is made the Principal will consider the evidence including the views of parties involved, mitigating circumstances, protected characteristics and whether the student has SEND.

The trust regularly monitors the number of fixed term exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

## **Responsibility for Exclusion**

A fixed term exclusion from the school can only be authorised by the Principal. If the Principal is not available to authorise the exclusion the Executive Principal should be consulted, or a decision deferred until the opportunity for authorisation is available. In the case of a Permanent Exclusion this can only be authorised by the Principal and should be done after consulting the Chair of the School Advisory Board, although the final decision rests with the Principal.

## **Causes for Exclusion**

Exclusion, whether internal, 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 schools' behaviour policies.

- Actions which put the student or others in danger
- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Bullying of any form including cyber, homophobic and racist bullying
- Indecent behaviour
- Damage to property
- Misuse and/or possession of illegal drugs
- Misuse and/or of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual harassment, abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon

- Arson
- Serious breaches of health and safety rules
- Unacceptable behaviour which has previously been reported and for which sanctions and other interventions have not been successful in modifying the student's behaviour
- Behaviour which persistently breaches rules, norms and expectations
- Behaviour outside school which is illegal or may bring the school into disrepute

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

### **Notification of an Exclusion**

An appropriate member of staff will provide the following information, in writing, to the parents/carers of an excluded student:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents/carers' right to make representations about the exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

An appropriate member of staff will also notify parents/carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

### **Alternative provision**

If alternative provision is being arranged, the following information will be included when notifying parents/carers of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents/carers' consent.

## **Informing the governing board and local authority**

The Principal will immediately notify the chair of the School Advisory Board, the Executive Principal and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

Relevant local authorities:

South Bank University Academy – Southwark

South Bank UTC - Lambeth

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Principal will also immediately inform the student's 'home authority' of the exclusion and the reasons for it without delay. Before a permanent exclusion is considered, a 'Managed Move' may be explored in the first instance, if appropriate.

For all other exclusions, the Principal will notify the governing board and LA once a term and as required by the trust executive.

A student who has been excluded will have the reason for her/his exclusion explained to them by an appropriate member of staff so that they understand the nature of their misbehaviour.

## **Students returning from fixed term exclusion**

All students returning from fixed term exclusion are required to attend a reintegration meeting, accompanied by a parent or carer. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent or carer, support staff as appropriate and the school.

In some incidents, on the return from a fixed term exclusion, students will be required to be introduced back into their normal lessons during a phased integration.

## **The role of the governing board**

Responsibilities regarding exclusions are delegated to representatives of the School Advisory Boards at South Bank Academies, who will form an exclusions committee as required. This may be constituted by board members on other SBA schools, or by trustees. The committee has a duty to consider exclusions (see **Considering the reinstatement of a student** below).

Within 14 days of receipt of a request, the governing board through the Principal or Executive Principal will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board through the Principal or Executive Principal will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion. Provision does not have to be arranged for students in the final year of compulsory education who do not have any further

public examinations to sit.

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

### **Considering the reinstatement of a student**

The exclusions committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents/carers, the committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the committee will consider the exclusion and decide whether or not to reinstate the student.

In all cases where a committee meeting is convened, [statutory guidance](#) will be followed in full.

The committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record. The committee will notify, in writing, the Principal, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND are considered to be relevant to the exclusion
  - That, regardless of whether the excluded student has recognised SEND, parents have a right to require the trust to appoint an SEND expert to attend the review

- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEND expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

### **Independent review**

If parents apply for an independent review, the trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the trust of its decision to not reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member or trustee of the trust or School Advisory Board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the trust or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the trust, school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

### **School registers**

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

### **Correspondence**

The person who should be contacted to initiate an appeal against an exclusion is the Clerk to the Governors, Ciara Carroll, either by post at the school, or via email to [Ciara.carroll@lsbu.ac.uk](mailto:Ciara.carroll@lsbu.ac.uk).

### **Internal Exclusion**

As an alternative to fixed term and permanent exclusion, schools may operate an internal exclusion system where appropriate. Students may be referred to internal exclusion at the discretion of the Principal or their delegate, for example a pastoral manager. All referrals will be made in advance, with clear communication with parents/carers issued and records kept as appropriate. Students in internal exclusion may follow an alternative timetable and may study in an alternative venue.

A reinstatement meeting with parents/carers may be required before a student may return into the regular curriculum full-time following internal exclusion.

**Policy approved by:** South Bank Academies trust board

**Date of last review:** October 2021

**Date of next review:** August 2022