



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 **fixed term exclusions – 'suspensions' and permanent 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. Suspensions and permanent 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 lawfully, 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 (2022):

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 exclusion ('suspension') 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."

Likewise the trust will not suspend students unlawfully. Unlawful suspensions include sending students home to 'cool off' for example.

Before any decision to exclude is made the Principal will consider the evidence including the views of parties involved including the student at risk of suspension or permanent exclusion, mitigating circumstances, protected characteristics and whether the student is LAC/previously LAC, or has SEND. Students will be given the opportunity to express their views with the support of parents or advocates if needed, and should be informed of how their views were taken into consideration in reaching a decision.

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 suspension and exclusion

A suspension or 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 suspension and exclusion

Exclusion, whether internal, fixed term (suspension) 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, using or threatening to use 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 and reporting

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

The reason(s) for the suspension or exclusion

The length of a suspension 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 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.

There are new reporting requirements, all to be made '**without delay**' unless otherwise stated:

Who to report to	What to report
The parents	All suspensions and exclusions (page 28 of the DfE guidance includes questions to ask the headteacher to support them to inform parents of a suspension/exclusion)

The governing board	All permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil) All suspensions which would result in the pupil being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term Any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test All cancelled suspensions and exclusions (also on a termly basis as part of your exclusions data, page 13)
The LA	All suspensions and exclusions, regardless of length (page 30) All cancelled suspensions and exclusions (page 13) For permanent exclusions: if the pupil lives outside of the school's LA, also inform the pupil's home LA (page 30)
The pupil's social worker, if they have one	All suspensions and exclusions (page 29) Any cancelled suspensions and exclusions (page 13)
The virtual school head (VSH), if the child is a LAC	All suspensions and exclusions (page 29) Any cancelled suspensions and exclusions (page 13)

Relevant local authorities:

South Bank University Academy – **Southwark**

South Bank UTC - **Lambeth**

Providing education during the first 5 days of a suspension or exclusion

Work should be set and marked for students during the first 5 days following a suspension or exclusion. This may be provided through an online platform such as Google Classroom, Microsoft Teams, Oak National for example.

The school will work with the local authority (LA) to arrange alternative provision (AP) for students who are LAC or have a social worker from the first day of a suspension or exclusion. Where this is not possible, reasonable steps will be taken to set and mark work as above.

Students with social workers

There may be competing factors to consider when there is a possibility of a student under the care of a social worker being suspended or excluded. These may include known safeguarding risks at home or in the community where school is known to be a protective factor, but may be set against a duty to provide a safe and calm environment for the school community.

To manage these competing interests, the DSL, social worker and parents will be involved as early as possible, including the virtual school head. PLAC students should have the engagement of the school's designated teacher (DT). Further assessments and support may need to be considered to prevent a suspension or exclusion.

Suspensions or exclusions involving child-on-child abuse

A safeguarding investigation may run parallel to any considerations to suspend or exclude a pupil involved in the incident. The school will focus on the need to

- Safeguard and promote the welfare of its students

- Provide a suitable education

Decisions in cases like these ultimately sit with the Principal, supported by the DSL and other agencies as required. In cases where a child is permanently excluded, the DSL of the excluding school should transfer the pupil's child-protection file to the new school:

- Within 5 days for an in-year transfer, or
- Within the first 5 days of a new term

This child-protection file should be transferred separately from the main pupil file, securely and with confirmation of receipt.

Using off-site direction and managed moves to prevent exclusions

We are expected to work with high-quality alternative provision (AP) to effectively manage behaviour and prevent exclusion. Any move to AP, whether temporary or permanent, should be made with the child in mind, as the best place to support that student's behaviour as well as any SEN or health needs. The governing board will have regard for statutory government guidance on alternative provision.

Before a student is moved to AP, the following should be defined and agreed:

- The nature of the intervention
- The objective
- The timeline for meeting these objectives

The student must continue to receive a broad and balanced curriculum that supports reintegration into mainstream school.

Off-site direction

This is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. As an academy trust, we can arrange off-site provision for this purpose under our general powers.

During the period of off-site direction:

- The student might be in AP on a part-time schedule with continued mainstream schooling, or full-time for a limited period
- The student must be dual-registered
- The governing board **must** keep the placement under regular review

Managed moves

This is when a student is transferred to another mainstream school permanently as part of a behaviour management process. Managed moves should be:

- Done strictly in the child's best interest
- Voluntary and agreed by all parties
- Offered as part of a planned intervention
- Preceded by information-sharing between the current school, receiving school and supported by an effective integration strategy

At all times managers will ensure that parents don't feel pressured into accepting a managed move. Doing so is considered off-rolling.

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.

Students returning from suspension

All students returning from suspension should 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. The integration meeting is part of a wider strategy to support the student in offering a fresh start, helping them re-engage with their learning. Part-time timetables may be appropriate in some cases, but will be used for the shortest time possible and with regular review. Part-time timetables will not be used for behaviour management.

Attendance of the student and/or parents and carers at reintegration meetings is to be advised, promoted and supported, but will not be a pre-condition to readmission to the school following a suspension.

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 suspension 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 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 a reasonable period of time** of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension 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 a reasonable period of time following** 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. **Boards will invite parents (and where requested, a representative or friend), the Principal, a representative of the LA, the student (if they are 18 or older), the student's social worker if they have one and the VSH if the student is LAC.**

The committee can either:

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

In cases where the student's total number of days of suspension is less than 6 in a term, the board can consider reinstatement. They will consider representations made by parents. There is no deadline for arranging a meeting although if a meeting occurs, it must be within a reasonable amount of time. In the absence of representations from parents, boards can consider reinstatement on their own.

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

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 via Michael Broadway, either by post at the school, or via email to michael.broadway@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 **recommended** before a student may return into the regular curriculum full-time following internal exclusion.

Monitoring student moves

The board will monitor attendance, suspension and exclusions data. In addition, the board should:

- Analyse data for patterns, e.g. where a large number of pupils with specific characteristics are affected by pupil moves, and when this has happened
- Consider the cost implications of educating pupils off-site

- Review whether the data reflects that the school's behaviour policy is being implemented effectively and consistently
- Monitor interventions in place to support pupils at risk, to prevent suspensions and exclusions
- Analyse any variation in the rolling variation of exclusions to understand why it's happening and what can be done to prevent it
- Make sure that pupils that are moved off-site are reviewed at regular intervals

Policy approved by: South Bank Academies trust board

Date of last review: August 2022

Date of next review: August 2023

A summary of the governing board's duties to review the headteacher's exclusion decision

