

Stockport Academy - Exclusions Policy

This policy is designed to briefly outline United Learning's and Stockport Academy's responsibility and approach to suspension and exclusions in line with the statutory framework as defined in the "Suspension and permanent exclusion from maintained schools, academies and student referral units in England, including student movement" in September 2022.

United Learning believes that exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the school's discipline policy. During exclusions, the Principal or nominated senior member of staff should remain in contact with the student to monitor and ensure the safety and welfare of the student. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances and such exclusions should only be instigated when all other routes have been exhausted or when behaviour is in direct conflict of the School's behaviour policy.

Exclusions should only ever be issued by the Principal or Vice Principal in their absence. All permanent exclusions should be confirmed with the relevant **Education Director** before issuing.

In this policy, reference to 'exclusion' includes both suspensions (a fixed period) and permanent exclusions. Where the policy is referring to a specific type (i.e. suspension or permanent) of exclusion, the wording will make this clear.

Principals, Local Governing Bodies, United Learning, Independent Review Panel members and clerks, and SEN experts must, by law, have regard to this guidance when deciding:

- whether to exclude a student;
- whether to uphold an exclusion;
- whether to direct reinstatement; and
- whether to recommend or direct that the governing body considers the exclusion again.

All United Learning schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that students, parents/carers and all school staff are aware of the standards of behaviour expected and the range of sanctions.

This policy provides an overview of the exclusion process. It should be read alongside current DFE Exclusion Guidance, which should be followed in all cases.

Exclusion from school

There are two types of official exclusion:

1. Fixed term exclusion/suspension.

All students are entitled to an education where they are protected from disruption and can learn in a calm, safe and supportive environment. Headteachers can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour which has not improved following in-school sanctions and interventions.

This is a suspension for a fixed number of days. The student must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the student). For a fixed term exclusion of more than 5 days, full time education provision commences from the 6th day and must be organised by the excluding school. A student may not be excluded for more than 45 days in a school year. A student is entitled to return to school once the period of suspension has ended.

A student may be excluded during lunchtimes for a fixed number of days. Each lunchtime exclusion is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the student is entitled to free school meals.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Persistently misbehaving students, whose behaviour is not improving following low-level sanctions, or whose behaviour reflects a sudden change from previous patterns of behaviour, where appropriate will be given support through interventions. Examples of interventions schools can consider include:

- frequent and open engagement with parents/carers, including home visits if deemed necessary.
- providing mentoring and coaching.
- short-term behaviour report cards or longer-term behaviour plans; and/or
- engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills.

Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any Special Educational Needs and Disabilities (SEND) that a student may have. The 'graduated response' should be used to assess, plan, deliver and then review the needs of the student and the impact of the support being provided. If the student has an Education, Health and Care (EHC) plan, early contact with the local authority about the behavioural issues would be appropriate and an emergency review of the plan might be needed. Where a school has serious concerns about a student's behaviour, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the student's educational needs is required.

Permanent Exclusion

This is where the Principal's intention is that the student should not be allowed to return to the school. The decision should only be taken if:

- the student has committed a serious breach or persistent breaches of the school's behaviour policy; and
- allowing him/her to remain in the school seriously harms the learning or welfare of the student or others in the school.

In most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

1. Unofficial exclusions

Formal exclusion is the only legal method of removal if a student is sent home for disciplinary reasons (including lunch times). Informal or unofficial exclusions are unlawful, regardless of whether they are undertaken with the agreement of parents or carers.

Stages of exclusions

1. Permanent exclusions

A permanent exclusion is when a student is no longer allowed to attend a school (unless the student is reinstated). The decision to exclude a student permanently should only be taken:

- In response to a serious breach or persistent breaches of the school's behaviour policy; and
- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school.

The permanent exclusion process falls into three stages:

1. Decision by the Principal to exclude;
2. Consideration of the Principal's decision by the Local Governing Body (LGB), usually delegated to the Exclusions Review Behavior Committee; and
3. In the case of a permanent exclusion, and only if requested by parents/carers, consideration of the Principal's decision by an Independent Review Panel

The initial decision on whether to exclude is for a Principal to take. As part of considering each permanent exclusion, the Principal must consult with their Education Director at United Learning (or delegated executive) before the decision is reached and the case presented to the Exclusions Review Behaviour Committee.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for students during the first five school days where the student will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a student's social worker) should also be considered.

2. Suspension or Permanent

In many cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

In this case, a Principal may issue a suspension for a short period (a maximum of 5 school days is advised) To allow investigation to take place and to give opportunity for a reasoned decision.

In such circumstances, the letter informing of the suspension should clearly state that the reason for the suspension is “to allow investigation into an incident which may result in permanent exclusion”. The letter should not state that the suspension is, in itself, punishment for the incident under investigation.

Once the investigation is complete, a further letter should be sent containing one of the following;

- notification for the student to return to school;
- notification of an extension to the suspension; or
- notification of a permanent exclusion.

In exceptional cases, usually where further evidence is not available at the time of the investigation has come to light, a suspension may be extended or converted to a permanent exclusion. Similarly, a Principal may choose to withdraw an exclusion in the light of new evidence.

Behaviour outside School

A school has the right to make decisions about behaviour taking place on trips, outings, sporting fixtures, or travel/movement in the vicinity of the school. Subject to the requirements of this policy, the Principal (or designated teacher in charge) may exclude students even if the circumstances giving rise to exclusion occur when the student is out of school. Schools’ own policies should make clear how this operates in practice, in line with the DfE guidance.

A student’s behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of the Principal, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school’s wider legal duties), reasonable, fair and proportionate.

Conduct outside the school premises, including online conduct, that schools might sanction students for include misbehaviour:

- when taking part in any school-organised or school-related activity;
- when travelling to or from school;
- when wearing school uniform;
- when in some other way identifiable as a student at the school;
- that could have repercussions for the orderly running of the school;
- that poses a threat to another student; or
- that could adversely affect the reputation of the school.

Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended suspension should be used.

Reintegration

Schools should have a strategy for reintegrating students following removal from the classroom, time spent in a student support unit, in another setting under off-site direction or following suspension. This may involve reintegration meetings between the school, students, parents/carers and, if relevant, other agencies. Schools should consider what support is needed to help the student return to mainstream education and meet the expected standards of behaviour.

Schools should support students to reintegrate successfully into school life and full-time education following a suspension or period of off-site. They should design a reintegration strategy that offers the student a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the student's return to school. During a reintegration meeting, the school should communicate to the student that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the student's parents/carers. However, it is important to note that a student should not be prevented from returning to a mainstream classroom if parents/carers are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents/carers, and other relevant parties.

Responsibilities of the Principal

Principals should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

When the Principal suspends or permanently excludes a student they must, without delay, notify parents/carers. Legislative changes mean that if a student has a social worker, or if a student is looked-after, the Principal must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.

When the Principal suspends or permanently excludes a student, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.

Only the Principal of the school can suspend or permanently exclude a student on disciplinary grounds. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

When establishing the facts in relation to a suspension or permanent exclusion decision, the Principal must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Principal should accept that something happened if it is more likely that it happened than that it did not happen. The Principal must take account of their legal duty of care when sending a student home following an exclusion.

The Principal should also take the student's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the student about how their views have been factored into any decision made. Where relevant, the student should be given support to express their view, including through advocates such as parents/carers or, if the student has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the Principal should also take account of any contributing factors identified after an incident of misbehaviour.

Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and must consider any representations about an exclusion made by the parents/carers of the excluded student. The LGB usually delegates some or all of its functions in respect of exclusions to a committee consisting of at least three governors, who are independent and have had no direct involvement with the case; such a committee may be called the Exclusions Review Behaviour Committee.

The LGB's role is to review exclusions. The LGB can either uphold an exclusion, or direct reinstatement immediately or by a particular date. The LGB cannot extend a suspension nor substituted it with a permanent exclusion.

Governing Body's decision

The Exclusions Review Behaviour Committee must inform the parent, Principal and the Local Authority (LA) of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the student resides in a different LA, they must also inform the student's 'home' LA.

A note of the Exclusions Review Behaviour Committee's views on the exclusion should be placed on the student's school record with copies of relevant papers.

If the Exclusions Review Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the student save that the Committee can direct reinstatement on a particular date.

Where the Exclusions Review Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents/carers.

Role of the Clerk to the Exclusions Review Behaviour Committee

The Exclusions Review Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the governing body or the Principal.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the student or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

The role of United Learning

The LA does not have a decision-making role in the exclusion process for any school. The Charity Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Principal must consult fully with their Education Director at United Learning (or delegated executive) before a decision is reached and the case presented to the Exclusions Review Behaviour Committee.

It is the Exclusions Review Behaviour Committee which has the duty to review the Principal's decision to exclude.

Education of excluded students

The LA is required to arrange full time educational provision for permanently excluded students from the 6th day of a permanent exclusion. Once the Principal has decided to permanently exclude a student, the LA will arrange to assess the student's needs and how to meet them (even though the exclusion might still be overturned by the school governors). The student's name will be deleted from the school roll only if:

- (i) the student was permanently excluded; and
- (ii) 15 school days have passed since the parents/carers were notified of the Exclusions Review Behaviour Committee's decision to uphold the permanent exclusion; or
- (iii) the parents/carers have stated in writing they will not be applying for an Independent Review Panel.

It will be the responsibility of the LA to offer an alternative school place.

Independent Review Panels

Each LGB must take responsibility for setting up and training Independent Review Panels or make arrangements to use the service provided by the Local Authority. The Independent Review Panel is only involved in reviewing permanent exclusions and only if requested by the parent/carers of the excluded student, and/or the student if over 18 years of age.

1. Notifying parents/carers

When a permanent exclusion is upheld by the Exclusions Review Behaviour Committee, the Committee's decision letter to the parent/carers must state the reasons for the decision, give the last day for lodging a review (within 15 school days) and explain that the grounds for the review should be set out in writing. If a parent/carers does not request a review within the timescales the LGB must reject the application.

2. The timing of the hearing

An Independent Review Panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

3. Composition of Independent Review Panels

Review Panels must consist of 3 or 5 members.

A three member panel must be constituted of one lay person, one teacher and one governor and a five member panel must be constituted as one lay person, two teachers and two governors:

- 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 five years, provided they have not been teachers or head teachers during this time; and
- Head teachers or individuals who have been a head teacher within the last five years.

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

- They are a member/director of the local authority/Academy Trust or governing body of the excluding school;
- are the head teacher of the excluding school or anyone who has held this position in the last five years;
- are an employee of the local authority/Academy Trust, or the governing body, of the excluding school (unless they are employed as a head teacher at another school);
- have, or at any time have had, any connection with the local authority/Academy Trust, school, parents/carers or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a head teacher at another school); or
- have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and student referral units in England guidance).

4. Request for a SEN Expert

If requested by the parents/carers, the person convening the panel must appoint a SEN Expert to attend the Independent Review Panel. Parents/carers have a right to the above, regardless of whether their child has recognised or identified SEN.

Role of the Clerk to the Independent Review Panel

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

Conduct and role of the Independent Review Panel

The role of the panel is to review the Exclusions Review Behaviour Committee's decision not to reinstate a permanently excluded student. The panel must take account of the circumstances of the excluded student and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the DFE Guidance on exclusions.

2. The decision

An Independent Review Panel can decide to:

- uphold the exclusion decision;
- recommend that the governing body reconsiders their decision; or
- quash the decision and direct that the governing body considers the exclusion again.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the student's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of the principles applicable on an application for judicial review; illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs a governing body to reconsider an exclusion it has the power to order that a readjustment of the school budget be made if the governing body does not offer to reinstate the student within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded students.

4. Reconvening an Exclusions Review Behaviour Committee

If the Independent Review Panel directs or recommends that the governing body reconsider the exclusion, the governing body must meet to reconsider within 10 school days of notification.

Where a governing body has reconsidered an exclusion decision it must inform the relevant person, the Principal and the LA of its reconsidered decision and the reasons for it without delay.

5. After the Independent Review Panel

The Independent Review Panel is independent. Its decision is binding on the parent/carers, the LGB and the Principal. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the Independent Review Panel upholds the permanent exclusion, the Clerk should immediately report this to the LA. If the student is of compulsory school age, it is for the LA in whose area the student lives to make arrangements as quickly as possible for the student to continue in suitable full-time education. If the student lives outside the area of the LA, the Clerk should make sure that the home LA is also informed immediately of the position.

Where the exclusion is upheld, the Clerk should also advise the parent/carers to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Principal should remove the student's name from the school roll the day after the conclusion of the Independent Review Panel.

6. Remedies after the Independent Review Panel

A parent/carers can complain to the Secretary of State via the Education Funding Agency at the Department for Education.

7. Judicial review

Decisions of both governing bodies and Independent Review Panels can be subject to judicial review.

8. Work provided

It is important that during a suspension, students still receive their education. The Principal should take steps to ensure that work is set and marked for students during the first five school days of a suspension. This can include utilising any online pathways such as Microsoft teams, class charts or Oak National Academy.

The principal legislation to which this guidance relates is:

- The Education Act 1996 and 1997;
- The Education Act 2002, as amended by the Education Act 2011;
- The Education and Inspections Act 2006;
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012; and
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014.
- Revised behaviour in schools guidance and suspension and permanent exclusions guidance 2022

Agreed by Stockport Academy LGB September 2022

Review Annually

Signed by Chair of LGB

David Robinson (Chair)

Date

Signed by Principal

Janine McCann (Principal)

Date

APPENDICES

Appendix 1 Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to persistent misconduct of a serious nature, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion, these are:

- a serious breach of safety requirements likely to endanger other people or yourself;
- use or possession of or supply of alcohol or illegal drugs within the school premises or during school organised activities;
- removal or damage of school property;
- stealing from the school, employees of the school, or from students;
- intentional damage to property;
- abuse of the school's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another student, member of staff or worker in the school;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- bullying and/or harassment including racial, sexual or homophobic harassment;
- wilful defiance of the properly exercised authority of the school and its staff; and
- bringing the school into disrepute or acting in a manner deliberately to undermine the school's principles or ethos.