



The Shared Learning Trust

THE STOCKWOOD
PARK ACADEMY

The Stockwood Park Academy

Exclusions Policy

Policy Title:	Exclusions Policy		
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Part of



THE SHARED
LEARNING TRUST



1. Scope

This policy applies to all staff and students/learners of The Stockwood Park Academy.

2. Context

This policy deals with the policy and practice which informs the academies' use of exclusion. It is a shared commitment of all members of the academy community to achieve two important aims:

- To ensure the safety and well-being of all members of the Academy community, and to maintain an appropriate educational environment in which all can learn and succeed.
- To reduce the need to use exclusion as a sanction.
- This policy operates within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations September 2012.

3. Aims

The aims of this policy are to define the behaviours and incidents that may lead to exclusion and the procedures the Academy will follow in the event of an exclusion. We recognise that parents/carers and students/learners have a vital role to play in supporting the standards of behaviour and safety expected by the Academy. The Academy's response to challenging and disruptive behaviour will be made in the context of the Behaviour for Learning Policy, and will encompass a range of strategies, with exclusion as one option.

4. Definitions

Exclusion, within this policy may be one of the following types:

- Break and Lunch Exclusion (Lock down) where a student attends all lessons but remains with a member of staff during breaks and lunch periods;
- Internal Exclusion (where a student is excluded within the home Academy);
- Trust Exclusion (where a student is excluded within another Academy site);
- Fixed-Term Exclusion (when a student is excluded from the Academy);
- Permanent Exclusion (where steps are taken to permanently remove the student from the Academy);

5. Statutory Position

When considering exclusion, account will be taken of the current guidance from the DfE and the personal circumstances of the student. Only the Head of School or, in their absence, a senior member acting with his or her authority, can exclude a student from the Academy. A decision to exclude a student will be taken only:

- In response to serious breaches of the Academy's Behaviour for Learning Policy.
- If allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy.

The decision to exclude a student is a matter of judgement for the Head of School, who will take into account the likely impact of the misconduct on the life of the Academy. The decision to exclude a pupil must be lawful, reasonable and fair. The Academy has a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. The Academy will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. This may include behaviour on or off Academy premises, which is in breach of the standards of behaviour expected by the Academy.



The Academy recognises that disruptive behaviour can be an indication of unmet needs. Where there are concerns about a student's behaviour, we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, the Academy will consider whether a multi-agency assessment that goes beyond the student's educational needs is required.

Under the law, the Head of School, Local Governing Board and Independent Appeals Panel must have regard to the relevant DfE guidance when deciding:

- whether to exclude a student or (where applicable) to uphold an exclusion
- the period of exclusion
- (where applicable) whether to direct the Head of School to reinstate an excluded student

6. Policy Detail

6.1 Before reaching a decision to exclude either permanently or for a fixed period, the Head of School will:

- consider all the relevant facts and such evidence as may be available to support the allegations made, taking into account the Academy's Behaviour for Learning and Equal Opportunities policies
- allow the student to give his or her version of events
- check whether the incident may have been provoked, for example by bullying, racial or sexual harassment.

If the Head of School is satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, exclusion will be the outcome. Where necessary the Head of School will consult others, being careful not to involve anyone who may have a role in any statutory review of their decision, for example members of the Local Governing Board Discipline Committee

6.2 Causes for Exclusion, whether 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 Academy's Behaviour for Learning Policy:

- 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;
- Indecent behaviour;
- Damage to property;
- Possession and/or supply of illegal drugs;
- Possession of banned items or substances considered to present a danger or health risk to the Academy community;
- Behaviour outside of the Academy (e.g. gang crime) which subsequently impacts on Academy life;
- Threats of violence against another student or a member of staff;
- Sexual abuse or assault;
- Carrying/using an offensive weapon (or the use of any item as a weapon);
- Arson
- Unacceptable persistent behaviour which has previously been reported and for which Academy 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 Head of School makes the judgment that exclusion is an appropriate sanction.

6.3 Exclusion Procedures

6.3.1 Internal Exclusion (including Seclusion and Trust Seclusion) An Internal Seclusion or Trust Seclusion will be implemented for behaviour that is so serious that it warrants a student being removed from lessons, but not so serious as to warrant removal from the Academy. As stated above, all efforts will be made to keep the student in the Academy, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term or Permanent Exclusions.

There are two levels of Internal Exclusion:

- Internal Seclusion Room (Internally in the home academy)
- Trust Seclusion (External from home academy but within The Shared Learning Trust)

6.3.2 Internal Seclusion Room This room is used for the lowest level of negative behaviour requiring exclusion. Students attending the Internal Seclusion Room are set work by Heads of Year and may be required to attend seclusion for a number of days.

Students are managed by the Seclusion Room Manager or behaviour for learning staff.

Students in the Internal Seclusion Room are not allowed to take their break or lunchtime with other students, but will be given a separate and comparable break and lunchtime.

Students enter the Academy at 9.00am and depart later than their peers at 4.30pm each day.

If a student does not meet our expectations in either seclusion or trust seclusion they may be asked to resist their seclusion / trust seclusion or could receive a fixed term exclusion. When a student actively opts for a fixed term exclusion as opposed to a seclusion or trust seclusion they will be expected to sit their seclusion on return from their exclusion.

Students may be placed into the seclusion room during the Academy day without prior notice to parents/carers. This will occur where a Senior Leader or the Senior Head of Year is satisfied that the conduct of the student is unacceptable and that seclusion is required in order to maintain a safe environment.

6.3.3 Trust Selection

This exclusion sanction is used for behaviours which are either repeat offences having been served in the Internal Seclusion Room or incidents of negative behaviour of greater seriousness than would be managed in internal seclusion or as a result of persistent reoffending

Students spend their day/s in the seclusion facility of another Academy within the Trust. The Academies will have their own system for transporting students to another site.

6.3.4 Break time exclusion

Students may also have their breaks withdrawn and detained by a member of the senior team/behaviour for learning team at break and lunchtime. Such detentions will ensure that the student has the opportunity to use toilet facilities and have their lunch/drinks provided in the detention room/place. The Academy reserves the right to implement this detention without prior notice to parents if it is in the interests of good order, conduct and safety of the students and other members of the Academy community. Students will usually complete 2 weeks of this type of exclusion and will be



expected to complete this time with no behaviour points gained. This exclusion will be extended until the standards of expected behaviour have been achieved by the student. The student will carry a report card which will be signed on four occasions within the academy day and also by their parents/carer each day.

6.3.5 Fixed-Term Exclusion

In the case of fixed-term exclusions, the Head of School may exclude a student for up to 45 days in any one academy year. Students on fixed term exclusion will be forbidden from attending the academy, or being in the vicinity of the academy for the term of their exclusion.

Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during academy hours within the first five academy days of any exclusion. Where a parent/carer refuses to comply with the terms of exclusion, the Academy may notify the Social Services Department and the police if, in the Head of School's view, the student or any other person may be at risk as a result of a failure to meet the terms of the exclusion.

Parents/carers must also ensure that their child attends the suitable full time education provision, provided by the Local Governing Board or the Academy from the sixth day of exclusion. In the case of both internal seclusion and Trust seclusion, parents/carers will be informed in writing on the day or (in all cases of Trust Seclusion) prior to the date/s to be served.

6.3.6 Informing parents/carers

The Academy will inform parents by phone call when the decision has been taken to 'Fixed-term Exclude' a student. This will be followed, subsequently by a letter in which the terms of the exclusion are set out, together with the time and date of the reintegration meeting (see below). Exclusions may not run for an indefinite period of time. Parents/Carers are also informed that they have a right to make representations to the Local Governing Body if they wish to challenge the terms of the exclusion.

6.3.7 Provision of learning materials during a period of exclusion

The Head of School will ensure the provision of an alternative education provision for all students on roll who are excluded for a period of 6 consecutive Academy days and which will set out:

- how the student's education will continue during the period of exclusion
- how the time might be used to address the student's problems
- the educational arrangements will best help with the student's reintegration into the Academy at the end of the exclusion.

6.3.8 Reintegration

The Academy requires parents/carers to attend a reintegration meeting where their son/daughter has had a fixed term exclusion. Parent/carers are invited to attend the reintegration meeting. The meeting will establish a risk assessment of the student (where necessary) and identify the resources needed to provide the necessary support to the student on their return from exclusion.

Where a student's behaviour at the reintegration meeting is unacceptable, this may result in an additional fixed period exclusion.

Failure of the parent/carer to attend the reintegration meeting may result in the student being educated in the Internal Seclusion Room until an alternative meeting date has been attended.



7. Permanent Exclusions

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a student's life chances. In addition, Permanent Exclusion will not be sought, unless there is an immediate threat to the safety of others (or the student concerned) or a student's behaviour is repeatedly effecting the welfare or education of other members of the Academy. Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted. Please note that before a permanent exclusion is considered, a 'Managed Move' may be considered, if appropriate. In exceptional circumstances, the Head of School might consider it appropriate to permanently exclude a student for a first or one-off offence. Such circumstances might include:

- where there has been serious actual or threatened violence against another student or member of staff
- sexual misconduct
- supplying an illegal substance (alcohol, tobacco, drug)
- carrying an offensive weapon (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.")

The Academy will 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 wellbeing of the Academy.

In the case of a permanently excluded student, the Head of School will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. If an appeal panel decides not to direct reinstatement, the student's name will be deleted from the Academy roll.

8. Exercise of Discretion

In reaching a decision on temporary or permanent exclusion, the Head of School will always look at each case on its own merits. It is for this reason that a points based 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 Head of School will consider:

- The seriousness of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour for Learning Policy
- The effect that the student remaining in the Academy would have on the education and welfare of other students and staff

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Local Governing Board Panel when it meets to consider the Head of School's decision to permanently exclude. This Panel will require the Head of School to explain the reasons for the decision and will look at appropriate evidence, such as the student's record, witness statements and the strategies used by the academy to support the student prior to permanent exclusion.

The academy will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below).



9. Appealing a Permanent Exclusion

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a Local Governing Board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed- period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a Local Governing Board to reinstate an excluded pupil. However, where a panel decides that a Local Governing Board' decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Local Governing Board to reconsider its decision. If the Local Governing Board does not subsequently offer to reinstate a pupil, the panel will be expected to order that the academy makes an additional payment of £4,000. This payment will go to the student's local authority towards the costs of providing alternative provision.

10. Review of Exclusions

The Senior Leadership Team review all permanent exclusions from the Academy and all fixed term exclusions that would lead to a student being excluded for over 15 days in a term or missing a public examinations.

11. Other Considerations

The Academy will implement its Exclusion Policy with due regard to the implications arising from the Special Educational Needs, and Disability and Equality Act 2010, the Race Relations (Amendment) Act 2008, the Human Rights Act 1998 and any other relevant legislation.

12. Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Head of School will have regard to the academy's published policy on drugs and may also seek advice from the Local Authority's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Head of School will make a judgment set against the criteria in the Academies' Drug, Alcohol and Substance Misuse Policy.

13. Exclusions and SEN Students

This policy applies to all students including those with identified SEN. The Academy will endeavor to avoid excluding students with SEN.

13.1 SEN students and Permanent Exclusion

Whether or not the academy recognises that a student has special educational needs (SEN), all parents (or students) if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the academy acted reasonably in relation to its legal duties when excluding the student.



14. Exclusions and Looked After Children (LAC)

The Academy will be particularly sensitive to LAC. In all cases the Virtual School for the relevant authority and Social Services will be involved as early as possible and the LAC Coordinator will be fully involved.

15. Staff Training

The Academy will ensure that Behaviour for Learning is a key element of all staff induction programmes and that appropriate refresh training is incorporated into annual staff development planning.

16. Staff Training

The Local Governing Board will review this policy at every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy. This policy should be considered in conjunction with the following associated documents, policies and procedures:

- Home Academy Agreement
- Behaviour for Learning Policy
- Anti-bullying Policy and procedures
- Attendance and Punctuality Policy
- Child Protection and Safeguarding Policy

17. Managed Move/Alternative Education Provision

A 'Managed Move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour incidents, when interventions have been unsuccessful or, in exceptional circumstances, for a serious 'one off' incident. Managed move will be discussed with the parent and the local authority (admissions authority). Managed moves are allocated via the Pupil Placement Panel and are supported by the Alternative Provision Coordinator.

18. Managed Move/Alternative Education Provision

Student behaviour outside academy or when representing the Academy, for example a trip, travelling to and from the Academy, 'away' sports fixtures or a work experience placement is subject to the Academy's Behaviour for Learning Policy. Negative behaviour in these circumstances will be dealt with as if it had taken place in the Academy. Serious infringements of the Academy's Behaviour for Learning Policy that occur 'outside of' the Academy may lead to a fixed term or permanent exclusion.

19. Roles and Responsibilities

19.1 The Local Governing Board are responsible for ensuring that the Academy complies with legislation, and that this plan and any related procedures and action plans are implemented.

19.2 The Head of School is responsible for implementing the policy, for ensuring that all staff are aware of their responsibilities, for providing them with appropriate training and support, and for taking appropriate action.

19.3 Day to day responsibility for coordinating and implementing this policy is with the Head of School.

19.4 All staff/others are expected to adhere to this policy as required by the Academy Code of Conduct.



20. Monitoring and Review

- 20.1 This policy will be reviewed every year.
- 20.2 Its outcomes will be assessed by monitoring Annual Development Plan (ADP).
- 20.3 Its impact and effectiveness will be judged in terms of the positive benefits and any negative consequences arising from its implementation.

21. Dissemination

- 21.1 All policies that need to be conveyed to students/learners, staff and families will be available on the Academy's website.
- 21.2 Staff will be informed about policies during induction and through on-going in- service training.