



# **SPORTING STARS ACADEMY**

## **EXCLUSION POLICY**

**Current Version Valid From 6<sup>th</sup> January 2023**

**To Be Reviewed In January 2024**

**Reviewed by The Directors**

*January 2023 – January 2024*

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### 1. Aims

This policy outlines the process which must be followed in the event of a proposed suspension (fixed-term exclusion) or permanent exclusion from education. In implementing the processes outlined in this policy Sporting Stars Academy aims to ensure that:

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

### 2. Legislation and Statutory Requirements

This policy is based on Education (Independent School Standards) Regulations: 2014

<https://www.gov.uk/government/publications/school-exclusion>

It also takes into account guidance from the Department for Education: School Suspensions and Permanent Exclusions (July 2022), Exclusion from Maintained Schools, Academies and Student Referral Units (PRUs) in England, the 'Timpson Review of School Exclusion' (May 2019) 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.

Sporting Stars Academy recognises its duty under the Education and Inspections Act 2006 to establish and maintain a behaviour policy that promotes self-discipline, respect for others and proper regard for authority; and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the Education Act 2002.

Sporting Stars Academy acknowledges the obligations associated with the Children Act 1989, the Human Rights Act 1998 and the Equality Act 2010. We also follow current DfE guidance 'Keeping Children Safe in Education 2022', 'Working Together to Safeguard Children', and the Local Safeguarding Children Partnership's policies, procedures, guidance, and protocols.

### 3. Scope

This policy applies to Sporting Stars Academy.

#### 4. Roles and Responsibilities

The Headteacher:

- Ensure the policy is implemented at school level
- Ensure staff are aware of the policy, and its associated procedures

The Directors:

- Ensure the Headteacher adheres to the policy
- Monitor and review exclusions
- In the case of permanent exclusions, report the decision to the relevant Local Authority
- Monitor and review exclusion rates and implement actions and/or recommendations to reduce the rate of exclusions

The Proprietor:

Set up appeals panels when necessary

#### 5. Policy Detail

Sporting Stars Academy has a very clearly defined vision and ethos in relation to behaviour. Sporting Stars Academy consistently promotes the provision of appropriate support for young people who may present behaviours of concern. Personalised strategies for young people are developed from a thorough knowledge of the young person, their specific needs, prior information, and initial and ongoing assessment process. Our aim, therefore, is to ensure that the decision to exclude a student, either for a fixed period or permanently, is always seen as a last resort while always bearing in mind our duty of care to students and staff.

##### 5.1 Definitions

Types of removal from school:

There are two kinds of sanctions - suspension and permanent exclusion.

Suspension (formerly referred to as fixed-term exclusion): A suspension is where a young person is temporarily removed from school and is not allowed to return for a specified number of days. A young person can only be removed for up to 45 education days in one academic year, even if they have changed placement within that time.

Permanent Exclusion: Permanent exclusion means that the young person may no longer attend the school and is removed from the school's register. For the purposes of exclusions, education day is defined as any day on which there is an education session. Therefore, INSET or staff training days do not count as an education day.

It is unlawful for a young person to be 'informally excluded' or 'off-rolled' from school, even where the child's parents/carers agree to the exclusion. Ofsted defines off-rolling as: "*...the practice of removing a student 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 student.*"

##### 5.2 The Decision to Suspend or Exclude

Only the Headteacher, Executive Headteacher, or their Deputy (in their absence), can exclude a student with agreement from a Director. A permanent exclusion will only be taken as a last resort. Before deciding whether to suspend or exclude a student, the Headteacher/Executive Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion was provoked

- 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 a reasonable doubt.') when establishing the facts in relation to an exclusion decision. This means that the Headteacher/Executive Headteacher should accept that something happened if it is more likely that it happened than that it did not happen
- Review and evaluate the responses used to date, taking care not to overlook effective strategies
- Scrutinise the individual's Education, Health, and Care Plan (EHCP) and current provision
- Allow the young person to give their version of events
- Consider whether an alternative approach may be more conducive to upholding our ethos, by providing a therapeutic and/or restorative environment away from timetabled lessons, where young people can be supported to develop further self-regulation strategies and emotional management techniques
- Gain approval from a Director before taking action
- Ensure that there is sufficient recorded evidence to support the decision
- Where the contract with the Local Authority states it as a requirement, an emergency review will be conducted prior to a permanent exclusion being decided
- Where the student is a Looked After Child, inform social workers and Virtual School Heads of suspensions and exclusions, including cancelled ones
- Where the student has a social worker, inform them of suspensions and exclusions, including cancelled ones
- Explain the decision to the student
- Contact the parents/carers by phone or in person as soon as possible once the decision to exclude has been made, explain the decision, and ask that the young person be collected or arrange for transport home
- Send a letter to the parents/carers confirming the reason for the exclusion, whether it is a permanent exclusion or a suspension, the length of the exclusion and any terms or conditions agreed upon for the individual's return. The letter will inform the parents that, during the first 5 days of exclusion, they must ensure that a student under the age of 18 is not present in a public place at any time during school hours unless there is a good reason. Any parent/carer who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted
- Inform the Local Authority, in writing, of the suspension, exclusion and any cancelled suspensions, exclusions, the period of the exclusion, reasons for exclusion and any arrangements to hold a meeting regarding the exclusion
- Inform the directors of all permanent exclusions, suspensions for more than 5 school days, any suspensions or exclusions that result in the missing of public exams or national curriculum tests and all cancelled suspensions or exclusions
- In cases of more than a day's suspension, ensure that appropriate work is set and that arrangements are in place for it to be marked. This can include online learning
- Plan how to address the individual's needs on their return
- Plan a meeting or telephone call with student on their return and involve parents/carers for under 18-year-olds
- Record ALL suspensions and exclusions, irrespective of duration
- A suspension or exclusion will not be enforced if doing so may put the student's safety at risk

Reasons for suspension or permanent exclusion:

- In response to serious or persistent breaches of the school's behaviour policy and procedures
- Risk of harm to the education or welfare of the student or others in the school

Students should not be excluded due to their special educational needs (SEN) and the academy will ensure that reasonable steps have been taken so that individuals are not treated less favourably for reasons related to their disability. Reasonable steps will include:

- Developing strategies to support individual positive behaviour
- Requesting external help with the young person
- Staff training

Where reasonable adjustments to policies and practices have been made, to accommodate a young person's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified, if there is a material and substantial reason for it.

### *5.3 Suspension*

A suspension will be used for the shortest time necessary to secure benefits without adverse educational consequences. Suspension for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the student
- Mentoring (adult support)
- Discussions with parents/local authority
- Setting targets and agreeing on an individual action plan
- Checking on any possible provocation
- Mediation
- Counselling
- Multi-agency support
- Suspension will not be used for minor incidents (e.g. lateness or poor academic performance)

### *Reintegration Meeting*

After a suspension, the Headteacher/Executive Headteacher will arrange a reintegration meeting or call at a time, date and location that is convenient to parents/carers, Local Authority representatives (if required) and other interested parties. This must not cause unnecessary delay in reintegrating the child or young person into school. The meeting will be documented and any actions or strategies agreed upon to reduce the likelihood of further exclusion recorded. The purpose of the meeting is to:

- Talk about why the individual was excluded and the steps taken to try and avoid it
- Discuss ways in which the young person can be supported to change their behaviour
- Seek the views of the parents/carers, the young person and local authority representatives (as required)
- Agree on a strategy for reintegrating the individual into school and for managing their future behaviour

### *5.4 Single Incidents*

Suspension may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases, the Headteacher/Executive Headteacher will investigate the incident thoroughly and will consider all evidence to support the allegation, taking into account the academy's policies. The student will be encouraged, and if necessary, supported by familiar staff or parents/carers, to give their version of events. A team member will check to determine whether the

incident may have been provoked, for example, by bullying or harassment. The Headteacher or Executive Headteacher will consult a Director.

#### *5.5 Permanent Exclusion*

A permanent exclusion is a very serious decision. As with a suspension, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school/ rules and policies, such as:

- Serious actual or threatened violence against another child, young person, member of staff or visitors to the site
- Possession or use of an illegal drug on Sporting Stars premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment
- Persistent disruptive behaviour
- Significant criminal damage
- Significant safeguarding risks arising from the young person's behaviour

The Designated Safeguarding Lead will ensure the transfer of the student's Child Protection File to the new school within 5 days for an in-year transfer or the first 5 days of a new term.

#### *5.6 Behaviour Outside School*

Students' behaviour outside the site, on transport, on school trips and at sporting events is subject to the school's behaviour policy. Negative behaviour in such circumstances will be dealt with as if it had taken place in school.

#### *5.7 Marking Attendance Registers following Exclusion*

When a student is excluded temporarily, they will be marked as absent using Code E.

#### *5.8 Removal from the School for Other Reasons*

The Headteacher or Executive Headteacher may send a young person home, after consultation with the parents and a health professional as appropriate, if the student poses an immediate and serious risk to the health and safety of other students and staff, e.g., because of a diagnosed illness such as a notifiable disease. This will not be classed as a suspension and should be for the shortest possible time.

#### *5.9. Multi-Agency Partnership*

We are committed to working with parents, carers, local authority representatives, the police, and other interested parties in a positive and constructive manner to support young people who may be at risk of suspension or permanent exclusion. Where we have concerns about a young person's behaviour, we will seek to identify any contributory factors and intervene as early as possible in order to reduce the need for exclusion. We take appropriate steps to escalate concerns, including with the placing and local host authority, their allocated social worker (where appropriate) and the police. The Virtual School Headteacher and Social Worker will be invited to any independent review panels of a suspension/exclusion.

#### *5.10 Procedure for Appeal*

If parents/carers wish to appeal the exclusion, then they must do so in writing to the Proprietor, Shane Tudor via email at [shane.tudor@sportingstarsacademy.com](mailto:shane.tudor@sportingstarsacademy.com), within one week of the letter notifying the parents/carers of the exclusion. The HR Manager will acknowledge the appeal and set up an Appeal Panel consisting of two senior/middle leaders or Directors who were not involved in

the initial decision to consider the appeal. The Panel Lead will schedule a hearing to take place as soon as practicable and normally within two working weeks. The parents or carers may bring a representative to the meeting. Neither the appellant nor Sporting Stars will bring legal representation as the panel meeting is not a form of legal proceedings. Where the young person is 18 or older and capacity is established, they will be invited to the meeting.

Records relating to the decision to exclude, and the parents' appeal will be copied to all parties before the hearing. In no circumstances, however, will the school or its staff be required to divulge to parents or others any confidential information on or the identities of students or others who have given information which has led to the exclusion or which the Headteacher or Executive Headteacher has acquired during an investigation.

The parents/carers or their representative may ask questions of the Headteacher or may raise any relevant matter for the Panel's consideration. The Panel may call for any further information it requires. No evidence or argument shall be presented to the Panel in the absence of either the parents/carers or their representative or in the absence of the Headteacher. At the conclusion of the hearing, the Panel shall retire to consider what recommendation it may make. The Panel may recommend the following:

- The suspension or permanent exclusion is confirmed
- The suspension or permanent exclusion is rescinded
- The suspension or permanent exclusion be rescinded and replaced with an alternative sanction

However, the final decision will always rest with the Proprietor, who may or may not accept the recommendations of the Panel. The recommendation shall be communicated to the parent/carers and the Headteacher. Every young person has a right to confidentiality – it will be kept in the strictest confidence and only disclosed to those who need to know. We appreciate that such sensitive matters must be dealt with in confidence. If the school decides after completing the investigation or as a result of new evidence and further investigation that it is necessary to extend a suspension or to convert it into a permanent exclusion, the Headteacher will write again to the parent/carers and Local Authority with the reasons for this decision. Any decision will be made, and parents/carers will be advised within 10 working days.

## **6. Support, Advice and Communication**

The Directors provide guidance where necessary alongside the Local Authority and Virtual School Headteacher.

## **7. Monitoring Arrangements**

The Directors will review this policy on an annual basis. This policy should be read in conjunction with:

- The Behaviour Policy
- The Safeguarding Policy
- The Anti-Bullying Policy

## **Appendix 1 – Informing Parents/Carers and Other Relevant Parties**

When suspending or excluding a young person, the Headteacher/Executive Headteacher must notify the parents/carers of the period of exclusion and the reason(s) for it, without delay. This will typically only be done by telephone, and the telephone call will be followed by a letter posted First Class within one school day.

The letter will include information about the following:

- the reason(s) for the exclusion
- the duration of a fixed period exclusion
- any terms or conditions agreed for the individual's return
- the arrangements for the continuing education of the student, including setting and marking of work
- that during the first 5 days of exclusion, a student under the age of 18 should not be present in a public place at any time during school hours

The Headteacher/Executive Headteacher will inform the referring/placing authority and Children's Social Care, where appropriate, in writing of:

- the reason(s) for the exclusion
- the duration of the exclusion
- any arrangements to hold a meeting regarding the exclusion