KINGS COLLEGE GUILDFORD

Learning Partners academy trust

Exclusions Policy 2026-2027

“Work hard, be kind and push yourself.”

- POLICY REVIEW AND AMENDMENT LOG

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Reviewed By:	Review Date	Reviewing Governor	Date Approved by Governing Body
Alastair McKenzie	September 2017	Bob Arnold	12/10/2017
Ed Moulton	July 2019	Bob Arnold	26/09/2019
Dave Ferguson	October 2021	Mick Michell	20/10/2021
Dave Ferguson	September 2022	Mick Michell	19/10/2021
Rebecca Francis	July 2023	Sanjeev Baga	28/09/2023
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Overview

All pupils are entitled to an education where they are protected from disruption and can learn in a calm, safe and supportive environment. As per the Department for Education, the Principal (and those he nominates) can use suspension in response to serious incidents or in response to persistent poor behaviour which has not improved following in-school sanctions and interventions. Permanent exclusions will be used as a last resort after previous methods of intervention have been exhausted.

The Department for Education trusts Principals to use their own professional judgement based on individual circumstances when considering whether to suspend or permanently exclude a pupil. The circumstances that may warrant a suspension or permanent exclusion to occur can be found within the section 'Reasons and recording exclusions' within the 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement guidance'.

1. Aims

Our school aims to ensure that:

- The suspension and exclusions processes are applied fairly and consistently
- The suspension and exclusions processes are understood by governors, staff, family and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)
- All suspensions and permanent exclusions are carried out lawfully

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

It is based on the following legislation, which outline schools' powers to suspend and permanently exclude pupils:

- Section 51a 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 pupils
- 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 and as modified and amended by The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.
- The Equality Act 2010
- Children and Families Act 2014
- https://www.legislation.gov.uk/ukpga/2014/6/contentsThe Inspection information for state-funded schools, which defines 'off-rolling'

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

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school admission register.

Off-site direction – when a governing board of a maintained school, academy or PRU requires a pupil to attend another education setting temporarily, to improve their behaviour.

Families – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including families and the admission authority for the new school, should consent before a managed move occurs. Managed moves cannot be used on a trial basis.

Cancelled exclusion – an exclusion that has been cancelled before the governing board has met to consider whether the pupil should be reinstated.

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

4. The decision to suspend or permanently exclude

Only the Principal, or a person acting with the Principal's authority, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behavior inside or outside of school. The Principal will only use permanent exclusion as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the Principal will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behavior issues.

A decision to permanently exclude a pupil will be taken only:

- In response to a serious or persistent breaches of the school's behaviour policy, and
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others such as staff or pupils in the school

Before deciding whether to suspend or permanently exclude a pupil, the Principal will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the pupil to give their version of events, unless it would be appropriate to do so
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil is a looked after child (LAC) or previously looked-after child)
- Consider whether all alternative solutions have been explored, such as:
    - For suspensions: detentions or other sanctions provided for in the behaviour policy
    - For exclusions: off-site direction (for temporary placements) or managed moves (which are permanent and not used as trial periods)

When considering off-site direction, the school complies with the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026, and has regard to the Arranging alternative provision: a guide for local authorities and schools.

Before directing a pupil off-site or agreeing a managed move, the school will:

- Ensure the pupil's views are sought and considered
- Be able to evidence that appropriate interventions have already been implemented

- Share relevant information with the receiving setting and the local authority (LA), including attainment data, risk assessments and support strategies

Where a managed move is being considered for a pupil with a social worker, the school will inform, at the earliest opportunity:

- The social worker
- The DSL
- Families (unless this would create a safeguarding risk)
- For looked after children: the virtual school head (VSH)

The Principal will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or permanently exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

The Principal will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

If it is decided that a managed move is in the pupil's best interests, the original school and new school will work together to make sure that any personal education plan (PEP) that the pupil has is reviewed and amended to reflect the move.

Where there are concerns about the behaviour, or risk of suspension or permanent exclusion, of a pupil with SEN, a disability or an education, health and care (EHC) plan, the school will, in partnership with others (including where relevant, the LA), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for the pupil's SEN or disability. A review will take place around how effective the pupils personal education plan (PEP) is being implemented, whether an interim review is needed or how to better utilise Pupil Premium Plus.

Where a pupil has an EHC plan, the school will contact the LA about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude the pupil.

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil, or if a pupil has been reinstated to the school, it is likely that complex and difficult decisions will need to be made. These decisions will be made alongside the school's safeguarding duties and its duty to provide an education.

5. Deciding whether to temporarily remove a pupil from the school site for safeguarding reasons

In exceptional circumstances, the Principal may decide to temporarily prevent a pupil from attending the school site for safeguarding reasons. This is not an exclusion on disciplinary grounds.

This measure will only be used when:

- It is necessary to separate pupils to ensure safety, and
- There is no reasonable alternative that would allow all pupils to remain on site

Decisions will be made on a case-by-case basis, led by the designated safeguarding lead (DSL) and informed by multi-agency working where appropriate (e.g children's social care or the police).

Where this measure is used, the school will:

- Inform families without delay, including the reasons for the decision
- Notify the governing board without delay
- Provide work for the pupil to complete at home, or work with the LA to ensure suitable education is arranged
- Support the pupil's reintegration, as soon as it is safe to do so

6. Off-Rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or
- Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension, or
- Move a pupil to alternative provision (AP) where this is not in their best interests, or
- Send a pupil home without formally recording a suspension regardless of whether it occurs with the agreement of parents/carers, or
- Place a pupil on a part-time timetable for behavioural reasons
- Remove a pupil from the school roll without following due process

Accordingly, we will not suspend or permanently exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or permanently excluded on the above grounds, this will also be considered as 'off-rolling'.

7. Roles and responsibilities

7.1 The Principal

Informing family

The Principal will immediately provide the following information, in writing, to the family of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about family's' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that family have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- That familys' have the right to request that the meetings be held remotely, and how and to whom they should make this request.

The Principal will also notify family by the end of the afternoon session on the day their child is excluded that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, family is legally required to ensure that their child is not present in a public place during school hours without a good reason. Family may be given a fixed penalty notice or prosecuted if they fail to do this.

Any social workers and/or VHS will also be notified without delay.

If alternative provision is being arranged, the following information will be included when notifying family of a suspension:

- The start date for any provision of full-time education that has been arranged
- The address at which the provision will take place
- The name of the person the pupil should report to on arrival
- The duration of the placement

- The reasons for, and objectives of, the placement
- The start and finish times of any such provision
- Where 2 sessions per day are provided:
    - What time the morning sessions starts
    - What time the afternoon session ends
    - What time the break between them starts and ends
- Where a single session per day is provided:
    - What time the session starts and ends

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 family's consent. If the Principal cancels the suspension or permanent exclusion, they will notify the families without delay and provide a reason for the cancellation.

Informing the governing board and local authority

The Principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude
- Any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion that would result in the pupil missing a public examination
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the Principal will notify the governing board and LA once a term. The Principal must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

For students with a social worker or a looked-after student (LAC) who are at risk of suspension or permanent exclusion, the Principal will inform either the social worker or VSH as early as possible. They will

7.2 The governing board

Responsibilities regarding exclusions are delegated to the school's governing board.

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

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

For suspensions of more than 5 school days, the Local Authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

7.3 Monitoring and analysing suspensions and exclusions data

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves. The governing board will:

- Closely scrutinise patterns of all pupil movement, including suspensions, permanent exclusions, off-site direction and managed moves
- Ensure these measures are only used as a last resort
- Review any use of separation from site for safeguarding purposes

- Challenge the school's leadership team to identify and address emerging trends
- The governing board will consider:
- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and whether pupils who share any particular characteristic are suspended or permanently excluded more than others
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

Performance data and benchmarking:

Governors will hold leaders to account and make informed decisions. To enable them to do so, they'll make use of performance data in the following areas:

- Pupil numbers, attendance and exclusions
- Attainment and progress
- Curriculum planning and class sizes
- Financial management and governance
- Quality assurance
- Safeguarding and wellbeing
- The school community, including staff, pupils, families and the governing board

7.4 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. For looked-after pupils or those with a social worker, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

7.5 Cancelling suspensions and permanent exclusions

The Principal may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The families, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Families will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

8. Considering the reinstatement of a pupil

The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term, or
- It would result in a pupil missing a public examination

If requested to do so by family, the governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if the pupil 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 pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the governing board will consider the exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Families (and, where requested, a representative or friend, and where appropriate, more than 1, subject to reasonable limits set by the governing board)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The meeting can be held remotely at the request of families.The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The governing board can either:

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

In reaching a decision, the governing board 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 pupil's educational record.

The governing board will notify, in writing, the Principal, family and the LA of its decision, along with reasons for its decision, without delay.

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

- The fact that it is permanent
- Notice of family's 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 pupil's SEN are considered to be relevant to the exclusion
    - That, regardless of whether the excluded pupil has recognised SEN, family have a right to require the Academy trust to appoint an SEN expert to attend the review
    - Details of the role of the SEN expert and that there would be no cost to family for this appointment
    - That family must make clear if they wish for an SEN expert to be appointed in any application for a review
    - That family may, at their own expense, appoint someone to make written and/or oral representations to the panel, and family may also bring a friend to the review
- That if family believes 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

9. An independent review

If family applies for an independent review, the academy trust will arrange for an independent pannel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the family by the Governing Board of its decision to not reinstate a pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding permanent exclusion. Any applications made outside of this timeframe will be rejected.

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 Principal 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 Principals during this time
- Principals or individuals who have been a Principal within the last 5 years

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

- Are the Principal of the excluding school, or have held this position in the last 5 years
- Have, or at any time have had, any connection with the School, governing board, family or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

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

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

10. Removal from admissions register

10.1 School registers

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

- 15 school days have passed since the family was notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The family has 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 pupil's name from the register.

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

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

A pupil will be registered at 1 school only. Where a managed move is agreed, the pupil's name will be removed from the admission register when the move becomes permanent. Where a pupil attends off-site provision, the original school retains responsibility for the pupil's registration unless and until a permanent move is agreed.

10.2 Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name and address
- The full name and address of any parent/carer with whom the pupil normally resides
- At least 1 telephone number at which any parent/carer with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the families have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the families have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

13. Returning from a suspension

Following suspensions of over 1 day, period of off-site direction, separation for safeguarding purposes, or a cancelled suspension or exclusion, a re-integration meeting will be held involving the pupil, family, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from fixed-term exclusion:

- *Putting a pupil on report to their tutor, Head of Pastoral or member of the SLT*
- *Agreeing a behaviour contract*
- *Internal isolation (e.g. completing their 1-5 detention)*
- *Direction to a member of staff during social times*

Reintegration meetings will take place before, or on the day of the pupils return. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, families, a member of senior staff, and any other relevant staff will be

invited to attend the meeting. The meeting can proceed without the families in the event that they cannot or do not attend. The school expects all returning pupils and their families to attend their reintegration meetings but pupils who do not attend will not be prevented from returning to school.

12. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every term by Assistant Principals and Vice Principals. They will report back to the Principal and Governing body. They also liaise with the LA to ensure suitable full-time education for all permanently excluded pupils.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the Principal every 2 years. At every review, the policy will be shared with the governing board.

13. Remote access to meetings

Families can request that a governing board meeting, or independent review panel be held remotely. If the families don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

14. Links with other policies

This exclusions policy is linked to our

- Behavior for Learning policy
- SEND policy

Appendix 1: Independent Review Panel training

The Academy must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Principals, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act