



MacIntyre
Providing support...your way



Exclusions Policy

MacIntyre School

Agreed by Local Advisory Board:
Review Date: July 2023

Exclusions Policy

Vision

At MacIntyre School we believe that potential is limitless and that every child can and will

'Achieve Above and Beyond'

Mission Statement

High quality relationships and Great Interactions™ are at the core of everything that we do. Through all our practice we treat our children and young people with respect and dignity, offering high quality education and care in order to 'Achieve Above and Beyond' expectations.

Aims

MacIntyre School is committed to working closely with all pupils, their families and all relevant professionals to prevent the need for fixed term or permanent exclusion. Through our behaviour policy and support strategies, our careful monitoring and reporting, our individual education packages, partnership with parents and our autism specific staff training and development programme, we seek to avoid the need to exclude at all.

We recognise that our students have a very high level of complex needs due to the severity of their learning difficulty and other related conditions such as autism. These present significant barriers to learning and it is therefore likely that our students have suffered disrupted educations that will have had an impact on the progress they have been able to make in fundamental areas such as communication, social interaction and self-management. It is therefore our policy to conduct a thorough initial assessment in order to ascertain as clearly as possible that we are able to meet the young person's needs.

Following a young person's referral to us, relevant information is sought from several different sources, including parents or persons with parental responsibility, current school and children's home and respite facility, if appropriate. Parents and other professionals involved with the young person are invited to the school to assess its suitability. Any placement offered to a young person will only be made after a full assessment has been carried out by representatives from MacIntyre School and children's homes to determine whether the school can meet the needs of the young person and whether a suitable place can be offered.

Sometimes, under very unusual circumstances, the needs of the young person change to such an extent that it may be necessary to request that a change of school is sought. We would always act in the best interest of the young person and would give notice in line with the signed contract. Only in exceptional circumstances would we send young people home for fixed or variable periods of time because they exhibit behaviours of concern; this is often a reason for young people to be placed at

MacIntyre School. If a young person is unable to access their education alongside peers, or their behaviour pattern causes undue distress or disruption to others' learning, in the first instance a reduced timetable, or alternative curriculum may need to be considered. Where appropriate, this may also include education and care staff planning and delivering an education programme within the residential provision, or offsite. In such cases a plan will be devised to reintegrate the young person back alongside their peers. At all times the local authority will be kept abreast of the educational support programme in place, and any use of alternative providers or reduction of full-time school hours.

Exclusion

Exclusion from MacIntyre School would only happen in extreme circumstances. Before a young person is excluded all other alternatives/strategies should be considered, and consideration given to the impact of the exclusion on the young person. However, the safety, education and welfare of all young people and staff is of paramount importance and therefore exclusion may be an appropriate action.

A decision to exclude will only be taken in response to serious breaches of the school's behaviour policy or if allowing the young person to remain in school would seriously harm the education or welfare of the young people or staff in the school. As all of our young people have challenging profiles this would need to present an exceptional circumstance for which remedial actions could not be taken.

- A decision to exclude will not be taken reactively unless there is an immediate risk to the safety or welfare of the pupil/student or of other persons.
- Exclusion will not be appropriate for minor incidents
- A young person will not be excluded for exhibiting behaviour related to their SEND, unless there is a serious risk to the safety and welfare of other pupils and staff.

Before deciding whether to exclude, an investigation will take place with senior management, considering all facts and evidence from all parties concerned. It would be an expectation that MDT processes have been in place and there is evidence of alternative support and intervention, including additional therapy input where necessary. The young person should be enabled to participate to give their version of events where possible

Types of Exclusions:

Fixed- term exclusion: Fixed term exclusion refers to the exclusion of a young person for a number of days. A fixed term exclusion would be used for the shortest time necessary to secure benefits without adverse educational consequences. Exclusion for a period of time from half a day to 15 days would be imposed only when the school had already offered and implemented a range of support and management strategies and, in order to allow for the provision of additional resources if required. Parents must be notified immediately. In addition to a verbal notification parents must be supplied with the information in writing. The notifications must include the reason for the exclusion and the length of the exclusion, parent's rights and dates of any meetings following the exclusion decision. MacIntyre School

will provide suitable home learning for any young person who has been excluded for longer than 3 working days.

A meeting will also be convened at the earliest opportunity with the placing authority. The outcome of this meeting will be a strategy plan to be adopted for the young person's return. In the case of a young person who is looked after by the Local Authority, the Head of Education and Registered Manager will convene an urgent review meeting to agree the next steps.

If a young person is to be temporarily excluded for more than 5 school days in one term, the Head of Education must plan how to enable them to continue their education; how to use the time to address the problems, and in conjunction with the LA, what arrangements will best help the young person to re-integrate into the school at the end of the exclusion. A meeting will be held to outline the conditions for return. The young person may be involved in this, depending on their level of understanding.

Permanent exclusion:

Permanent exclusion can only take place as a result of:

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- Where a young person, staff member, visitor, member of public suffers a serious injury
- There have been significant and dangerous levels of property damage
- Where allowing the pupil to remain in school would seriously harm the education, welfare or safety of the pupil or others in the school.

Permanent exclusion is only appropriate when the school cannot meet the pupil's needs, whatever the level of resources that might be made available. Where it is clear that there may be a possibility of a placement ending or becoming unsustainable due to changing needs or extreme behaviour patterns, then it should be discussed with placing authorities as soon as possible. This means that best interest decisions can be responsibly made, and cessation of any placement can be planned effectively rather than reactively.

Where permanent exclusion is the only recourse, the Head of Education and Registered Manager will consult with the Senior Leadership Team, parent(s) and the placing authority. It is particularly important that parent(s) are encouraged, at an early stage to play a positive part in the resolution of the difficulties. The school will plan how to enable the young person to continue their education if they remain on roll throughout the appeal process.

The Head of Education will notify the parent(s) immediately by telephone, followed by a letter within one school day. Exclusion should normally begin on the next day. The letter should explain: why the decision was taken, steps to enable the young person to continue their education and the right and how to appeal.

The Head of Education will inform the LA immediately of all permanent exclusions, and all exclusions which result separately or in total of the young person missing more than five schools' days in any one term.

Attendance at Permanent Exclusion Hearings

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parent Support Advisor. Legal representation will not normally be appropriate.

The Role of the Panel

Panel members should adhere to the following basic rules:

- They operate as a corporate body and not through individual action, unless delegated specific tasks
- Decisions of the Panel are made by a majority vote, and all members hold the majority decision
- The decisions they make should always be in the best interests of the pupils

Within their role the LAB panel members should strive to always uphold the principles of public life, as set out by the Nolan Committee in 1995. These are: selflessness, integrity, honesty, openness, accountability, objectivity and leadership

Consideration should be given as to:

- Whether the correct procedures were applied
- Was the decision legal and fair?
- Did it comply with the school's behaviour policy?
- Did the decision comply with the Equality Act 2010?
- Was the process in line with the SEND Code of Practice?
- The seriousness of the incident and the appropriateness of a permanent exclusion
- The likelihood of the incident being repeated, should the pupil be allowed to return
- The fairness of the exclusion in relation to any other pupils involved in the same incident
- Any relevant previous occurrences
- The support provided by the Academy and for how long it was provided
- Any special educational needs and disabilities (SEND) the pupil may have

With this in mind, the panel's decision must be based upon the 'balance of probabilities'; that is how likely is it that the young person did what s/he is alleged to have done and what behaviour policies were not followed, as a result. The panel must consider the evidence for the exclusion itself, but also the personal circumstances of the excluded pupil and how their presence at school will affect the

staff and other pupils.

In determining the lawful, rational, reasonable, fair and proportionate response of the Principal, the panel needs to consider any mitigating circumstances.

The panel can either:

- Uphold the permanent exclusion OR
- Direct the reinstatement of the pupil either immediately or on a specific date

The outcome should be noted on the young person's educational record, along with copies of all relevant documents. Minutes from the review must be kept by the School for at least 5 years. This must include the attendance, the voting and the decision. The minutes are not a public document.

Arranging an independent review panel

Parents can apply for an independent review in any case of permanent exclusion as long as they apply within the legal time frame (15 school days from the notification). MacIntyre School must arrange for a hearing to review the decision. The panel must constitute either three or five members (School to decide). The chair of the review must be a person who has not worked in the school in any paid capacity, the Head of Education or anyone who held the position in the last five years, and a LAB member who has served at least 12 consecutive months must also take the panel member position. A Clerk might be appointed by MacIntyre School to provide advice to the panel.

The panel review meeting will be held between 7 and 21 days after receipt of the notification of appeal. Written invitations to attend will be sent to the parent(s) and placing authority including details of the date, time and venue, enclosing any statements or evidence to be produced at the panel review meeting.

The Panel will notify the Head of Education, placing authority and parent(s) of the Exclusion Review Panel's decision, with reasons, within 5 days of the meeting. If it is not possible to give a final decision (for example if further investigation is necessary), an interim response will be given within 5 days explaining the delay and timeframe for a final decision.

Decisions will be based on all relevant facts including:

- Whether or not the exclusion process was in accordance with policy and procedure and fairly implemented.
- The needs and interests of the excluded young person
- The needs and interests of all other young people and staff in the school.

The review panel will consider whether or not there was consistency in terms both of other exclusions (if any) on similar grounds in similar situations and in terms of sanctions imposed on other young people involved in that case (if relevant).

Removing a permanently excluded pupil's name from the school register

The Head of Education must remove a pupil's name from the school admission register when:

- a. Parents have stated in writing that they will not be applying to the independent review panel.
- b. 15 school days have passed since the parents were notified of the decision to permanently exclude the young person

Associated policies:

MacIntyre School Admissions and Exit policy

MacIntyre School Positive Behaviour Support Policy

MacIntyre School Complaints policy