EXCLUSION POLICY

Area:	Mackenzie Thorpe Centre	north east autism society	
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EXCLUSION POLICY

1. Aims

Our schools seek to ensure that:

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

We understand that good behaviour and discipline is essential for promoting a high-quality education and recognise that exclusion of learners may be necessary in some circumstances. In all cases, excluding learners should only be used as a last resort.

This policy has been created to clearly define the legal responsibilities when responding to learner exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a learner's right to an education despite having been suspended/excluded, by ensuring that appropriate arrangements are in place. Furthermore, it aims to support staff in their work with learners to ensure that teaching and learning can continue unhindered.

A **"suspension"** is defined as the temporary removal of a learner from the school for behaviour management purposes. A learner may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An **"exclusion"** is defined as the permanent removal of a learner from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the learner to remain in school would seriously harm the education or welfare of the learners or staff in the school.

2. Legislation and statutory guidance

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Learners) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Learner Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023

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3. Operational Delivery

It is to be expected that NEAS schools will be best able to manage learners who present with challenging behaviour because of their autism or related condition. Exclusion from a NEAS school is very rare and only happens in exceptional circumstances and as a disciplinary measure, not a substitute for another process. In line with the government's statutory guidance for maintained schools and the SEND Code of Practice 2015, every effort is made to avoid excluding a learner who has an EHCP (which covers every learner in a NEAS School).

Challenging behaviour can be an indication of unmet needs, and this is particularly true for the learners in our schools. Where a school has concerns about a learner's behaviour, it should try to identify whether there are any causal factors and intervene early with all possible stakeholders to reduce the need for a subsequent exclusion. In this situation schools should consider a Multi-Agency assessment that goes beyond the learner's educational needs.

Where a NEAS school has concerns about the behaviour, or risk of exclusion, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a learner's needs. The school will consider requesting an early annual review or interim/emergency review.

The school will liaise with parents and the LA to review the EHCP following incidents where a learner's behaviour is severe enough that the school is considering exclusion. Exclusion will only then be considered as a last resort if alternatives should prove unsuccessful.

Only the Director of Education, or CEO, can exclude a learner from school. A permanent exclusion will be taken as a last resort. A decision to exclude a learner will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the learner to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a learner, either permanently or for a fixed period, the Director of Education or CEO will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Allow the learner to give their version of events.

Learners attending NEAS schools are particularly vulnerable to the impacts of exclusion. Accordingly, suspension (fixed term exclusion) should only be used where it is deemed to be a highly effective sanction, and other options have been explored. Permanent exclusion should only be used as a very last resort, in response to a serious breach, or persistent serious breaches, of the school's behaviour policy; and were allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

Exclusions from NEAS schools will reflect the principles contained within the Department for Education's statutory guidance on Exclusions for maintained schools and academies (https://www.gov.uk/government/publications/school-exclusion) and the most recent Scottish Government guidance (https://www.gov.scot/publications/included-engaged- involved-part-2-positive-approach-preventing-managing-school/pages/2/), as applicable to each territory.

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4. Exclusion – Procedure

- A decision to exclude a learner will only be taken in response to serious breaches of the school's behaviour policy or if allowing the learner to remain in light of their behaviour in school would harm the education or welfare of the learner or others in the school
- Before taking the decision to exclude the Suspension/Exclusion Decision Making Record must be completed by the Principal (Appendix 1),and a full discussion is required with a member of the education directorate (the Director of Education should not be included in these discussions)
- The school will provide work for the learner to undertake and/or guidance with regard to activities and occupation of time during the period of suspension / exclusion up to the end of the fifth consecutive day;
- A meeting will be convened at the earliest opportunity with the LA. The outcome of this meeting will be a strategy plan to be adopted for the learners return
- In the case of a learner who is looked after by the Local Authority the Principal will convene an urgent review meeting to agree the next steps.
- If a learner is to be suspended (temporarily excluded) for more than 15 school days in one term, the Principal must plan how to enable the learner to continue their education; how to use the time to address the learner's problems, and in conjunction with the LA, what arrangements will best help the learner to re-integrate into the school at the end of the suspension (fixed term exclusion).
- A meeting will be held following any suspension (fixed term exclusion) to outline the conditions for return, emphasising the need for appropriate behaviour, considering the degree of control the learner has to modify their behaviour, and their understanding of why they were suspended (dependent on the learner's level of understanding).
- Suspensions (fixed term exclusions) cannot be extended or 'converted' into permanent exclusions. In exceptional cases, usually where further evidence has become known, a further suspension (fixed-period exclusion) 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 (fixed period).
- The Principal will inform the LA immediately of all permanent exclusions, and all exclusions that result separately or in total of the learner missing more than 15 school days in any one term, or which deny the learner chance to take an examination. Suspensions (short, fixed period exclusions) of one to five school days should be reported each term unless the LA requests more frequent reports.

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- The Director of Education or CEO who excludes, must notify the parent(s)/carer immediately themselves by telephone as soon as possible, followed by a letter within one school day. The letter should explain:
  - Why the decision was taken
  - Steps to enable the learner to continue their education
  - The parent/carers' right and method of appeal
  - The right to see their learner's school record
  - If the exclusion is permanent, the date the exclusion takes place and details of any relevant previous warnings, exclusions or measure before the present incident and how this incident meets the twin test outlined above
  - If it is a suspension (the exclusion is fixed term), the date and time of return and reintegration meeting
  - The name and telephone number of the LA Officer for parent(s)/carer(s) to contact
  - Correspondence should be in a format that the parent(s)/carer(s) can understand.
  - The decision to suspend (fixed term exclude) is not subject to review panel appeal. However, should parents or carers have serious concerns about the decision to suspend (fixed term exclude) then they should discuss this with the Principal within the first day of the suspension
  - When a learner is suspended / excluded they should be referred to the appropriate sources of help and support. Effort will be made to welcome the learner, and strategies will be put in place to assist the learner in returning to school. Advice and information are usually available to a parent(s) through the funding LA's SEN partnership scheme
  - If a parent/carer sends a learner to school or refuses to collect him or her during a suspension / exclusion, the school should have due regard for the learner's safety and contact the LA/Education Welfare Office for advice.

5. Exclusion Panel Review Meeting

- In line with the statutory guidance for maintained schools (Exclusions Statutory Guidance, 2017, Part 6), the Principal's decision to permanently exclude will be checked and challenged by the Board of Trustees.
- The Principal should prepare a pack of information detailing information that provides a rationale for the decision to permanently exclude.
- Parents/carers have the right to make representations for the panel to consider. The commissioning local authority may be invited to attend. The Principal must attend.
- The Exclusion Panel Review meeting must occur within 15 school days of the decision to permanently exclude.
- Where an exclusion would result in a learner missing a public examination or national curriculum test, there is a further requirement for a governing group. It must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test.
- The governing group must make reasonable endeavors to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.
- If, after a permanent exclusion, the learner returns to school prior to the review panel meeting, the Panel will consider whether or not the exclusion was objectively fair and appropriate and what (if any) note should be made to the learner's record with respect to the exclusion.
- Everything possible will be done to establish an environment in which all parties can present their cases effectively and at their own pace.
- Decisions will be based on all relevant facts including whether the exclusion process was in accordance with policy and procedure and fairly implemented.
- The needs and interests of all other learners and staff in the school will be considered, as well as those of the excluded learner.
- The panel hearing will consider whether there was consistency in terms both of other exclusions (if any) on similar grounds in similar situations and its terms of sanctions imposed on other learners involved in that case (if relevant).
- The Chair will welcome and introduce all parties, explain in which order the parties will be heard, and explain that there will be an opportunity for questions to be raised after each party has spoken.
- The conduct of the proceedings is based on fairness and ensuring that the correct decision is made.
- Notes of the meeting will be taken.

- The person chairing the review panel will notify the Principal, purchasing 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.
- The panel's decision is final as an independent school

6. Links to other policies

- Behaviour policy
- Admissions policy
- STEP policy

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Appendix A: Suspension and Exclusion decision making record

Learner Name:	Learner URN:	How does this information affect your decision making?
Date:	CPOMs reference:	
Step 1: The incident / series of incidents	Describe:	
Step 2: Investigation (must include a detailed chronology of events before the incident)	Conducted by: Checked by: Outcome:	
Step 3: Consultation	Who has been consulted in this process and what did they say?	
Step 4: Reasonable adjustments (EA 2010)	Describe and explain impact of reasonable adjustments to date:	
Other contextual information		
Step 5: Deciding whether to suspend / exclude	Based on the detail in the grey boxes above, do the facts of the matter support a decision to suspend / exclude the learner? - Are there underlying factors that led to the incident/series of incidents? - Is this incident one in a series of similar incidents? What makes this situation different? - Does the incident threaten other school members' safety and/or ability to work and learn in school? - Is there an alternative to exclusion that has not already been attempted in support of the learners' needs? - Does the issue meet the following definition: "'on the balance of probabilities' it is more likely than not that the student in question carried out a serious breach or persistent breaches of the School's Behaviour Policy"?	
Step 6: Exclusion type Suspension or permanent (only complete if decision is to implement any type of exclusion)	*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 in the school.* Based on the information in steps 1-4, does this incident meet the criteria in italics above? Yes/No If Yes, a panel must be formed. Reasoning:	

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