



MacIntyre Academies

Exclusion Policy and Procedure

Version	Purpose/ Change	Resp.	Date
V4.1	Large sections of this policy have been restructured and rewritten for clarity and following a reflective review of recent exclusion hearings.	Group Director	Feb 2022
V4.2	The policy has been updated to reflect the new statutory guidelines , the updates do not reflect any change in strategic direction therefore the policy is shared with governors for information only. Terminology: Fixed Term Exclusion (FTE) updated to suspension throughout. Themes: the involvement of the pupil in the process and the importance of pupil voice emphasised throughout. The role of social workers and virtual school heads updated throughout. Section 2.1 Further definition of considerations at a review meeting Section 2.13 Clarification around procedure for cancelling a suspension / exclusion.	Group Director	Jul 2022
V5	Points of clarification to Section 2.4 and 3.15 to ensure clear alignment with the statutory guidelines.	Group Director	Feb 2023

Person Responsible:

Type of Policy

Date adopted by the Trust Board:

Date of implementation:

Date reviewed:

Date of next review:

Group Director

Statutory

Feb 2020

Feb 2020

Feb 2023

Feb 2024

1. Introduction and Legal Context

- 1.1 This policy sets out a decision-making framework which all MacIntyre Academies will follow when considering and making exclusions. It should be read in conjunction with, and not in place of, the Department of Education's (DfE's) statutory guidance for those with legal responsibilities in relation to exclusion (2022) which provides a guide to the legislation that governs exclusions. The DfE guidance will be followed at all times.
- 1.2 All MacIntyre Academies we operate in accordance with the law as set out in the following:
- Section 51A of the Education Act 2002, as inserted by the Education Act 2011.
 - The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012.
 - Sections 100 to 108 of the Education and Inspections Act 2006.
 - Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England: Guidance for maintained schools, academies, and pupil referral units in England (September 2022).
 - The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by Regulations 2014.
 - The Equality Act (2010).
- 1.3 This policy should also be read in conjunction with the MacIntyre Academies Trust's (The Trust) Compassionate Schools Policy.
- 1.4 The policy will be reviewed annually and at every review will be approved by the governing body. Where mid-year updates are necessary purely to reflect changes to the statutory requirements the policy will be updated and circulated to the governing body for information.

2. MacIntyre Academies Trust's approach to exclusions

Our academies need to be able to access the widest range of educative and consequential strategies in order to best support and protect young people. This includes excluding pupils from school when necessary. However, exclusions should only be utilised as a last resort and be implemented as part of a wider strategy and approach to best support a pupil or to protect others.

a) Preventative actions



- 2.1 Where an academy has concerns about a pupil's behaviour, it will seek to identify whether there are any causal factors and intervene early, in order to reduce the need for a subsequent exclusion. In exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. A part-time timetable

will not be treated as a long-term solution and must be approved by the placing Local Authority and Parents/carers.

- 2.2 If the excluded pupil is a child looked after, or if a pupil has received two suspensions in a half-term or been excluded for 10 days or more in a term, a cross-school internal review will be undertaken with the Group Director.

The internal review will consider:

- how the needs of the pupil are being met and what additional support or changes in strategy are needed to prevent further exclusions.
- what in-house interventions are being used, and any alternatives.
- work the academy has done to capture pupil and family voice.
- where relevant, a managed move may be discussed. A managed move is used to initiate a process which leads to the transfer of a pupil to another school permanently. It is a voluntary agreement and can only be entered into with agreement from all parties involved.
- where a temporary move may be what is needed, the review will discuss possible alternative provisions which may be used as part of an academy's behaviour management strategy for a limited period of time to help prevent suspension or permanent exclusion.

A report to capture changes in strategy/approach will be filed.

More guidelines on managed moves and alternative provisions can be found in Part 4 of the statutory guidance for suspensions and permanent exclusions.

b) An exclusion decision



- 2.3 Whilst the Trust recognises that only the Principal/Executive Principal (or a Deputy Principal/Head of School/acting headteacher in their absence) of a school can suspend or permanently exclude a pupil, they can only exercise that right in consultation with the Group Director (or their nominated substitute). This is to ensure the Trust's approach and this policy are being consistently applied.

- 2.4 The Principal/Executive Principal will notify the Local Advisory Board (LAB) Chair and the local authority of:

- any suspension of any length
- any permanent exclusion, including where a suspension is followed by a decision to permanently exclude the pupil (this applies only in exceptional cases, for example, where further evidence has come to light – refer to paragraph 10 of the statutory guidance).
- any suspension/ exclusion which would result in the pupil missing a public examination or national curriculum test (where it was not possible to avoid this by making reasonable adjustments).

The full Local Advisory Board will receive notification of suspensions and permanent exclusions on a termly basis.

- 2.5 Suspensions may be used to create time and space for reflection following a breach of school policies or unsafe, disruptive behaviour. This will enable an academy to implement any necessary changes in support/provision. The length of the suspension will be the shortest time necessary. When considering a suspension and its length, the Principal/Executive Principal will consider
- the nature of a pupil's diagnosis and condition
 - the need to keep an individual safe
 - the physical safety of the whole learning community
 - the time (and resources) needed to further personalise a pupil's provision
 - the need to build and share a clear reintegration plan
 - the capture of the pupils voice and any contributing factors of influence
- 2.6 A decision to permanently exclude a pupil will only be taken:
- in response to a serious breach, or persistent breaches of the academy behaviour policy such as actual or threatened violence against another pupil or a member of staff; possession or use of an illegal drug on school premises; carrying an offensive weapon; persistent bullying; racial harassment; or serious and persistent disruptive behaviour; and
 - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 2.7 The decision to suspend or permanently exclude will be recorded on the Record of Exclusion form and stored within the Academy (Appendix 1). A summary of exclusions will be presented termly to the Local Advisory Board (LAB).
- 2.8 When a Principal/Executive Principal suspends or excludes a pupil, they will without delay let the parents/carers know the type of exclusion and the reason(s) for it. They will also provide parents/carers with the following information in writing:
- the reason(s) for the action taken
 - the length of a suspension
 - their right to put forward a case about the suspension / permanent exclusion to the LAB, how they can do this and how the pupil can be involved; and
 - when relevant, what alternative provision will be provided from the sixth day of a suspension
- Where a pupil has a Social Worker, or is a Child Looked After, the Principal/Executive Principal will inform the social worker of virtual school head without delay also, as applicable.
- 2.9 Parents/carers of a pupil with an Education, Health and Care Plan will also be informed of their right to appeal to a First Tier Tribunal with regard to any suspension or permanent exclusion.
- 2.10 Where a pupil is suspended for up to five days, academies will take reasonable steps to set and mark work. From the sixth day of suspension, alternative provision must be arranged.
- 2.11 In the case of a permanent exclusion, arranging suitable full-time education from the sixth day is the duty of the pupil's home local authority.

- 2.12 Academies will have a strategy and approach in place for successfully reintegrating pupils that return to school following a suspension.
- 2.13 A Principal/Executive Principal can cancel an exclusion that has already begun where it has not yet been reviewed at a Governor's Hearing. Where an exclusion is cancelled:
- The pupil will be allowed back into school.
 - Parents/carers, LAB members, the Local Authority (and where relevant Social Workers and Virtual School Head) will be informed without delay.
 - Parents/carers will be offered the opportunity to meet with the Principal/Executive Principal in order to understand the circumstances which led to the exclusion being cancelled.
 - Details, including circumstances and reasons for the cancelled exclusions will be included in termly reporting to governors.

3. Governor review of exclusion decisions



- 3.1 A Governors Hearing will meet within the required timescales set out in the statutory guidance in order to consider the reinstatement of an excluded pupil when:
- The exclusion is permanent
 - A suspension would bring the pupil's total number of school days of suspension to more than 15 in a term
 - It would result in a pupil missing a public examination or national curriculum test
 - the parent/carer expresses a wish to make representations to Governors and the number of suspensions total more than five days in any one term
- 3.2 The Governors Hearing panel will be made up of three LAB members who have not been involved in the decision to suspend or exclude. The Hearing will be chaired by the LAB Chair, provided they do not have a conflict of interest and have not been party to the decision-making process. Panel members will be selected by the LAB Chair with advice from the Group Director. On occasions, Trust Board Members and LAB members from other Academies may be selected to ensure the panel is quorate and can go ahead within the required timescales.
- 3.3 Governors must not sit on the panel if:
- they are staff representatives
 - they know the pupil and/or their family
 - they witnessed the incident that led to the decision
 - they have a child in the same class as the pupil involved, or have a child who was a witness to the incident
 - they have a spouse/partner who was involved in the incident
 - they may not be able to be completely impartial, for any other reason
- 3.4 Members of the panel must not discuss the suspension /permanent exclusion with any party outside the meeting. All panel members will undertake training prior to the Hearing, unless they have completed it in the last 12 months. A pre-meeting will take place with the clerk to clarify any procedural points.

- 3.5 The parents/carers of the excluded pupil will be invited to attend the Hearing. They can be accompanied to the Hearing by one other person. This may be a relative, a teacher, friend or parent support advisor. Legal representation would not normally be appropriate. The Hearing clerk will be the single point of contact for parents/carers to ask for help or clarification on the Hearing process.

Where a pupil has a social worker, they will be invited to attend the Governors Hearing. The social worker can share information and help identify how the pupil's circumstances may have influenced the circumstances of the suspension or permanent exclusion. They can also ensure that safeguarding needs and risks and the pupil's welfare are taken into account.

Where a pupil is a child looked after, the Virtual School Head will be invited to attend the Governors Hearing.

- 3.6 The excluded pupil will be encouraged to participate in the Governors Hearing and measures will be taken to ensure their voice can be heard. If the pupil does not wish to attend the Hearing a written or recorded statement can be presented, or a trusted adult from the academy may accompany them for support. The Hearing clerk will provide an accessible agenda (appendix 2a) and a 'what you can expect' guide.
- 3.7 The Local Authority will also be invited to attend the Hearing as an observer and may make representations if prior consent has been given by the Chair of the Hearing.
- 3.8 Where permitted by the DfE's statutory guidance meetings may be held virtually via video conferencing, provided that all parties agree and can access the meeting.
- 3.9 The Principal/Executive Principal will produce a written evidence pack for the Hearing justifying their decision. This must be with parents/carers and all members of the panel at least five school days prior to the meeting.
- 3.10 All written witness statements will be attributed, signed and dated unless there is good reason to protect the anonymity of any witness. The Chair can request to hear directly from a witness, provided that request is prior to the meeting and the witness is happy to attend.
- 3.11 The Group Director will attend in an observatory capacity, but can make representations if invited to do so by the Chair.
- 3.12 The clerk will take minutes of:
- each party's case as presented at the meeting
 - the questions and answers by all parties
 - the decision reached and the supporting reasons
 - how the pupil's views were captured
- The panel's discussion and deliberations (section 3 and 6 of the agenda) will be minuted and saved for six months in case required for an appeal under the Equalities Act. These minutes will not otherwise be disclosed.
- 3.13 The purpose of the Governor Hearing is to:
- consider whether the correct procedure was followed by the Principal/Executive Principal in reaching the decision to exclude.

- determine whether there was a serious breach of the school's behaviour policy and establish whether on the balance of probabilities and based on the facts known at the time, the Principal/Executive Principals' decision was reasonable and fair. The case does not need to be proven 'beyond all reasonable doubt'.
- consider whether the type or length of period of exclusion was appropriate and that alternatives to exclusion have been considered sufficiently and discounted.
- to establish, in the event of a permanent exclusion, that the exclusion is:
 - in response to serious or persistent breaches, of the school's behaviour policy; and
 - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

3.13 Based on the evidence presented to them the Governor Hearing can decide:

- to reinstate the pupil, immediately or on a future date; or
- to decline to reinstate.

3.14 In order to assist the panel, the meeting will follow a standardised agenda (Appendix 2). The panel will come to a majority decision and make it collectively.

3.15 In the case of a suspension which does not bring the pupil's total number of days to more than five in a term, the governors must consider any representations made by parents/carers, but cannot direct reinstatement and are not required to arrange a meeting with parents.

3.16 When reviewing suspensions of more than 5 days, when reinstatement is not practical (because for example the pupil has returned to school following the end of a suspension) the governing body will still need to consider whether the Principal/Executive Principal's decision to suspend was justified based on the evidence. In this case a note will be attached to the child's school record, to clarify whether the Hearing supported the Principal/Executive Principal's decision.

3.17 The panel may agree that whilst a suspension was the correct action to take, the number of days given was too high. In this case, the panel may decide to reinstate the pupil sooner than planned. This does not have to be with immediate effect but may be from an earlier date than initially set down. When coming to this decision, the panel must consider whether an amount of time is needed to for the academy to fully plan the pupil's reintegration.

3.18 Where the panel has judged that suspension, or permanent exclusion was not the right decision, it may reinstate the pupil, as outlined above. In these cases, some of the following might apply:

- the Principal/Executive Principal did not provide relevant or sufficient evidence to support their case for a suspension / permanent exclusion, or;
- the panel judged that insufficient strategies had been put in place to support the pupil prior to the incident that resulted in the suspension / permanent exclusion, or;
- the parent/carer has made an acceptable representation against the suspension / permanent exclusion, e.g. provided evidence of mitigating circumstances;
- based on the balance of probabilities they felt the Principals/Executive Principal's decision was not lawful, reasonable and procedurally fair.

3.19 Once it has come to a decision, the panel may include comments or make recommendations but it cannot place conditions on the outcome.

3.20 Parents/carers will be informed of the panel's decision by the Group Director the next school day following the meeting. After this, a formal letter from the Chair will be sent by the Clerk. The Local Authority will also be informed as soon as possible.

3.21 Where a permanent exclusion has been upheld, the LAB must instruct the Principal in writing to remove the pupil from roll when the period of appeal has ended.

4. Procedure for Independent Review



4.1 If, after the Governor's Hearing, parents/carers wish to appeal against the decision to exclude, they can do so to an Independent Review Panel, if applied for within the legal time frame. For further details please refer to section 8 in the DfE's statutory guidance on exclusions.

4.2 The legal time frame for an application is:

- within 15 school days of notice being given to the parents/carers by the governing body of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

4.3 Any application made outside of the legal time frame must be rejected by the Trust.

RECORD OF EXCLUSION

Pupil details

Legal surname of pupil		First name(s)	
Date of Birth		Preferred name	
Gender		Child Looked After (or CPLA)	Yes / No
Name of Social Worker	(or No, where not applicable)	CP / CIN / EH	Yes / No (specify which)

Parent details

Parent/guardian/carer full name:			
Address (include postcode)			
Email		Contact number (Mob)	
Preferred contact method		Contact number (Other)	

Other parent/guardian to be informed:

Parent/guardian/carer full name			
Address (include postcode)			
Email		Contact number (Mob)	
Preferred contact method		Contact number (Other)	

Exclusion details:

Exclusion Start Date and Time		Type of Exclusion	
Last day of Exclusion		Number of Days (for suspension)	
Total number of school days suspended this term (include this suspension)	0	Number of suspensions this term (include this suspension)	0
Total number of school days suspended this academic year (include this suspension)	0	Number of suspensions this year (include this suspension)	
Is the pupil due to sit a public examination during the period of Exclusion	Yes / No	Date:	
Reason for exclusion:			
Code:	Description	Tick	
PP	Physical assault against a pupil		
PA	Physical assault against an adult		
VP	Verbal abuse / threatening behaviour against a pupil		
VA	Verbal abuse / threatening behaviour against an adult		
OW	Use or threat of use of an offensive weapon or prohibited item		
BU	Bullying		
RA	Racist abuse		
LG	Abuse against sexual orientation and gender identity		
DS	Abuse relating to disability		
SM	Sexual misconduct		
DA	Drug and alcohol related		
DM	Damage		
TH	Theft		
DB	Persistent disruptive behaviour		
MT	Inappropriate use of social media or online technology		
PH	Wilful and repeated transgression of protective measures in place to protect public health		

Support agencies involved

Agency	Name of key contact	Contact details

Name of Academy	
Name of person completing this form	
Date	

GOVERNORS HEARING STANDARD AGENDA**Appendix 2**

The purpose of the Exclusion Hearing is for the panel to consider the permanent exclusion or reinstatement of the excluded pupil

The timings indicated are approximate.

- | | | | |
|--|---|--|----------------------------|
| 1 Meeting Administration | Purpose of meeting explained
Introductions
Order of meeting explained | Chair
Chair
Chair | 10mins |
| 2 The Exclusion | The Principal explains why the learner was excluded
The Parent/s and representative ask questions of clarification to the Principal
The parent/s put forward their case
The pupil voice (<i>this can in person or via another means such as a statement read out for them</i>)
Questions from the Principal
Questions from the Panel | Principal

Parent
Parent
Pupil

Principal
Panel |

30mins |
| 3 Panel – opportunity for clarification | Panel checks with LA representative / expert representative - re any areas where there may be lack of clarity/ more information required or guidance not adhered to; cross-referenced with relevant documentation. | Panel | 5mins |
| | <i>Principal and parent/s leave the meeting for panel to review briefly the evidence that was heard and to confirm that all the issues have been resolved/ clarified; this also allow parent/s and Principal a chance to reflect before summing up.</i> | | 10mins |
| | <i>All parties re-join the meeting room</i> | | |
| 4 Summary | Principal sums up
Parent sums up | Principal
Parent | 5mins
5mins |
| 5 Next steps | Chair explains a decision will be made in consideration of statutory guidance and that full reasons for the decision reached will be sent by letter to the parents | Chair | 5mins |
| | <i>Principal, Group Director, parent/s and LA representative /expert representative leave the meeting - panel considers its decision</i> | | |
| 6 Panel Consideration | Meeting closes | Panel | 30mins |

GOVERNORS HEARING STANDARD AGENDA (ACCESSIBLE VERSION)

Appendix 2a

1 The first part of the meeting will include:

- a. **Purpose of meeting explained:**
To decide if the permanent exclusion should be upheld or whether CYP should be reinstated (be allowed to come back to Discovery)
- b. **Introductions:**
Everyone at the meeting will introduce themselves
- c. **Order of meeting explained**
The Chair will talk about the different sections of the meeting

This section may take about 10 minutes

2 The second part of the meeting will be about the exclusion.

Each person will be able to speak and be listened to
The order that this will happen will be:

- a. **PrincipalNAME will explain why you were excluded**
- b. **Your Parent/Carer will be able to ask PrincipalNAME questions**
- c. **Your Parent/Carer will be able to give her views**
- d. **You will be able to give your views.**

You can do this by either:

- Talking to everyone at the meeting
- Preparing a statement and reading it out loud
- Preparing a statement and getting someone else to read it out for you

This section may take about 35 minutes

- e. **Questions from the Principal**
In this part of the meeting PrincipalNAME can ask questions and answer questions
- f. **Questions from the Panel**
The people on the panel can ask questions

The Panel can ask the Local Authority representative if they feel that any more information is needed or ask for clarification about the guidance they need to follow.

3 The third part of the meeting:

Everybody apart from the Panel, the Local Authority advisor and the Clerk will leave the meeting

The panel will discuss what they have heard

Everybody will return to the meeting room (unless they do not want to)

This section may take about 10 minutes

4 The fourth part of the meeting

Summary

PrincipalNAME will summarise the reasons why she decided to permanently exclude you

Your **Parent/Carer** will be invited to summarise her views

This section may take about 10 minutes

5 The fifth part of the meeting:

The Chair will explain to everyone about what will happen next:

- that a decision will be made
- That the full reasons for the decision they make will be sent in a letter to your **Parent/Carer**.

This section may take about 5 minutes

Everybody will leave the meeting apart from the Panel and the Clerk

6 The Sixth part of the meeting:

The Panel will review the information and decide about whether they agree that you should be permanently excluded or allowed to return to school.

This section may take about 30 minutes

Meeting closes

You can choose to attend all of the meeting or attend the parts you wish to attend.

Appendix 3**EXAMPLE OF EVIDENCE PACK**

PACK A	PACK B	PACK C	PACK D
Principal summary	EHCP	Exclusions correspondence	Behaviour Policy
Principal Self Evaluation document	MALP or similar and any emergency /pastoral plans put in place	Phone call logs of actions taken	Academy & MAT Exclusion Policies
Incident Report, including supporting witness statements and still shots from CCTV where it is deemed a critical part of the Principal's evidence.	Any relevant Assessments	Evidence of parent meetings	Compassionate Schools Policy
Voice of the child documented		Attendance data	DfE Statutory guidance
Details of alternatives to exclusion explored		Exclusions data	