



Exclusion of Pupils and Students Policy and Procedures

1. General

The Board of Governors of The King's (The Cathedral) School have stated that they consider that the use of the Headteacher's power to exclude from school can be essential for the purposes of establishing and maintaining good order and discipline. They believe that its use should be reasonable and proportionate. Within these limits, they support the Headteacher in using their discretion in the exercise of these powers.

The Headteacher is obliged to weigh up the seriousness, and persistence, of the pupil's behaviour, together with the impact of not excluding the pupil on the school as a whole and the integrity of its behaviour policy.

2. Purpose

This policy and procedure document is intended to give a clear indication to staff, parents and pupils/students the kinds of circumstances within which the Headteacher will use his/her powers to exclude and the procedures that will be followed in exercising them. The Board of Governors will rely on this in reviewing the actions of the Headteacher in excluding pupils.

3. Policy

Fixed-Term exclusions

While always having regard to the circumstances of a particular case, the Headteacher will be likely to use fixed-term exclusions in the following kinds of cases. This list does not cover every offence or misdemeanour for which a fixed-term exclusion may be used, but gives an indication of the kinds of case where it will be used.

- sustained challenge in the authority of a member of staff;
- bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, religion or sexual orientation);
- persistent defiance of a school rule;
- acts of vandalism or minor physical violence; using drugs or alcohol on school site; and
- conduct likely to bring the School into disrepute.

The length of the exclusion will be proportionate to the gravity of the offence.

Long fixed-term exclusions

Long fixed-term exclusions (over 15 days) will generally be used to enable support to be obtained in assessing, moving or reintegrating a pupil with severe problems where the alternative would be permanent exclusion.

Permanent exclusion

- serious violence which creates fear and anxiety among staff or pupils;
- possession of an offensive weapon on the School site;
- dealing in drugs on the School site;
- persistent defiance of school authority or disruption of teaching and learning; and
- persistent bullying, harassment or abuse (as above).

Under the 2015 regulations on exclusion, it is possible for a pupil to be permanently excluded for a single, extreme breach of school discipline.

Modifying an exclusion

An exclusion may be extended or made permanent where:

- it was necessary to exclude the pupil in order to complete the investigation freely. NB It is essential that if new evidence has come to light the excluded pupil/student is given the opportunity to respond to it before the exclusion is extended or made permanent; and
- the person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others. It is not necessary that there is a face-to-face confrontation.

4. Process

Investigation

- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this;
- witness statements will be recorded, signed and dated;
- anonymity will not be promised unless this is the only way to obtain a statement. This statement will be signed and dated in the normal way but the name will be withheld.
NB It is important that all parties recognise that less reliance can be placed on anonymised statements; and
- the person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others. It is not necessary that there is a face-to-face confrontation.

Decision

The decision to exclude will only be taken by the Headteacher or, in his/her absence, the next most senior member of the leadership team. The power to exclude cannot be delegated:

- the decision will be taken on all the evidence available at the time; and
- the decision will be taken on the balance of probability. Where the offence alleged is a criminal act the standard of proof will be that it is 'distinctly more probable than not' that the pupil/student committed it.

Informing

The following will be told without delay by pupil post, and/or letter/email and telephone message as appropriate.

- the persons having parental responsibility for the pupil/student;
- the Local Authority; and
- the Clerk to the Board of Governors.

NB: If an exclusion will prevent a pupil/student from taking a public examination then the Chair of the Board of Governors will be informed immediately so that he/she can review the decision or convene a meeting of the Disciplinary Committee before the examination.

5. Work for excluded pupils/students

Members of staff who teach excluded pupils/students will endeavour to provide work for these pupils/students to do at home and make it available as instructed by the Pupil Development Manager responsible for those pupils/students.

6. Board of Governors Discipline Committee

- The Discipline Committee will be convened in accordance with current regulations by the Clerk to the Board of Governors.
- it will be clerked and advised by the Clerk to the Board of Governors or a person with experience in clerking such meetings;
- the Clerk will ensure that all members of the Committee are reminded of the legal framework for their hearing;
- the conduct of the meeting will be in the hands of the Chair of the Committee, in accordance with the rule of natural justice and having regard to any guidance issued by the Secretary of State; and
- the decision will be taken by Discipline Committee meeting along with their clerk after all parties have had the opportunity to state their case and respond to the point put by other parties.

7. Reintegration

- Pupils returning to school after exclusion should be subject to a reintegration procedure organised by the Pupil Development Manager with responsibility for the year group. This will normally involve the parents and a member of the Senior Leadership Team; and
- a pupil who is returned to school by the Independent Appeals Panel, but who is regarded as presenting a threat to the good order and discipline of the School or to members of the School community, may be kept in isolation from the remainder of the School community until such time as it is thought appropriate to make a phased return in to the School proper.

8. Equality Act 2010

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).