



## **Exclusion of Pupils & 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 is 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 student's behaviour, together with the impact of not excluding the student 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 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 students.

### **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/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;
- consuming alcohol during the School day, on the School site/at a School event or while in School uniform; 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 student with severe problems where the alternative would be permanent exclusion.

#### **Permanent exclusion**

- serious violence which creates fear and anxiety among staff or students;
- possession of an offensive weapon during the School day, on the School site/at a School event or while in School uniform;
- possession of drugs during the School day, on the School site/at a School event or while in School uniform;
- supplying or dealing drugs;
- 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 student 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 student in order to complete the investigation freely. **NB:** It is essential that if new evidence has come to light the excluded student/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 student committed it.

### **Informing**

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

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

**NB:** If an exclusion will prevent a 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 students**

Members of staff who teach excluded students will endeavour to provide work for these students to do at home and make it available as instructed by the Academic Head of Year responsible for those 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 rules of natural justice and having regard to any guidance issued by the Secretary of State; and
- The decision will be taken by the Discipline Committee after all parties have had the opportunity to state their case and respond to any points put by other parties.

## **7. Reintegration**

- Students returning to school after exclusion should be subject to a reintegration procedure organised by the Academic Head of Year with responsibility for the year group. This will normally involve the parents and a member of the Senior Leadership Team.
- A student 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).