



King's College

TAUNTON

Exclusions Policy

Policy Date: September 2023

Responsibility

Individual: Headmaster / Deputy Head Pastoral

Review Cycle: (Annual)

Next scheduled review: September 2024

Last interim review: November 2023

Definitions:

The term 'Head' refers to either the Headmaster of King's College.

A *suspension* is a temporary exclusion. Usually, this requires a pupil to be withdrawn from the school site and from all activities for a defined period. On some occasions a suspension may be indefinite: this means the misdemeanor is at a level where the Head has to consider that a permanent exclusion may be required. In such cases this will be made clear to parents and they will be required to come to the school to meet with the Head to discuss next steps.

A *permanent exclusion* means that a pupil is required to leave the School permanently if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a criminal offence. Permanent exclusion is reserved for the most serious breaches.

The term *parent* includes one or both of the parents, a legal guardian or education guardian.

Introduction

This policy should be read in conjunction with the School's Behaviour Policy, Anti-Bullying Policy, Alcohol Policy, Drugs and Drug Testing Policy, Smoking Policy, Online Safety Policy, the School Rules and the Complaints Procedure.

This policy is available on the School's website and also on request from the School office.

King's College is a caring community committed to equal opportunity for all. It is felt that exclusions of pupils from the School, whether permanent or temporary (suspensions), can be damaging to the school community. Consequently, a pupil will only be permanently excluded or suspended when other strategies and sanctions have not been effective over time, or when there has been a single, clear and serious breach of discipline, or if allowing the pupil to remain in the School would harm the education or welfare of the pupil or other pupils in the School, in the short or long term.

The School follows the regulations concerning exclusions set out by the Independent Schools' Inspectorate.

For the purpose of definition, a pupil may be excluded if:

1. The pupil has committed a serious disciplinary offence.
2. The pupil is accused of a criminal offence.
3. The pupil's presence in the School
 - represents a risk to the health and safety of pupils or adults,
 - is clearly detrimental to the educational experience, happiness or wellbeing of another pupil or adult,
 - affects the smooth running of the School.
4. There is a culmination of sanctions for repeated offences. The pupil has ignored the intention of the sanctions and their behaviour has not improved.
5. The pupil's behaviour brings the School into disrepute

The permanent exclusion of a pupil is an extreme sanction and is only administered by the Head, or in the absence of the Head, whoever is acting as their deputy.

Suspensions of up to 5 days will usually be administered by the Deputy Head (Pastoral) of the School. Any suspended pupil will be required to meet with the Head at the end of the defined period. The Head may arrange an interview with the parent(s)/guardian(s) on the pupil's return to School.

There are occasions when, at the Head's discretion, it is considered preferable to administer a suspension internally. An internal suspension is recorded as a suspension and is considered to be equally serious. An internal suspension will never be used if the pupil's presence in School represents a serious risk to the health and safety of pupils and staff.

The Headmaster will inform the Custos (Chair of Governors) of all suspensions and will consult with the Custos about permanent exclusions at the School.

Behaviour which could result in permanent exclusion

A non-exhaustive list of the sorts of behaviour that could result in permanent exclusion includes the following:

- physical assault against pupils or adults;
- behaviour which puts the safety of the pupil, or any other person, in jeopardy;
- verbal abuse/threatening behaviour against pupils or adults;
- bullying or cyberbullying in accordance with the School's Anti-Bullying Policy;
- committing a criminal offence;
- fighting;
- abuse on grounds of race, religion / belief, gender, sexual orientation, disability, Special Education Needs, appearance or any form of unlawful discrimination;
- sexual violence, harassment or misconduct; including youth-produced sexual imagery;
- damage to property;
- vandalism or computer hacking;
- drug and alcohol misuse (including supply/possession/use);
- theft or unauthorised possession of any property belonging to the School, another pupil, or a member of staff;
- bringing illegal, inappropriate or dangerous items into School, such as drugs, weapons, firearms, pornographic material etc;
- misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the School community.
- misconduct which brings the School into disrepute; and
- persistent disruptive behaviour or breaches of the School's Behaviour Policy or School Rules.

Please note that permanent exclusion may also be imposed by the School as a sanction for a series of minor misdemeanours or for repeated fixed-term suspensions.

Breaches of discipline outside of the School grounds

The School takes the conduct of its pupils outside of the School's grounds extremely seriously.

A pupil's misbehaviour outside of School can be damaging to the reputation of both the pupil and the School and the School may discipline pupils for misbehaviour outside of school premises in accordance with the Behaviour Policy, to the extent that it is reasonable to do so.

Where an incident is reported to the School of a pupil's poor behaviour outside of the school grounds and the incident has not been witnessed by School staff, the School will take an evidence-based approach and may talk to witnesses before identifying further action and any sanctions required for such behaviour.

A pupil may be excluded for conduct outside of the School's grounds if their behaviour corresponds to criteria 1 to 5 of this policy.

The School will report to the police any activity which it believes may amount to a criminal activity which takes place either within the school grounds or outside of its grounds. Suspected drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the School believes a pupil may have taken drugs then the School will seek immediate medical advice and may involve the police.

Alleged sexual offences will generally be reported to the police immediately. Other agencies, for example Children's Social Care, may also be notified where necessary and appropriate to the facts of the case.

This may apply in the following circumstances, whether the behaviour took place in person, over the telephone or online (including on social media)

Misbehaviour when the pupil is:

- Taking part in any activity organised by the School, or related to the School;
- Travelling to and from School;
- Wearing school uniform;
- In some other way identifiable as a pupil of the School.

Misbehaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the School;
- Poses a threat to another pupil or member of the public; or
- Could adversely affect the reputation of the School.

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media). However, members of staff may only discipline the pupil when on school property (or elsewhere, where the pupil is under the supervision of that member of staff).

Required Removal

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil where the Head considers in their discretion that the behaviour or conduct of a parent (or both parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) their child's or other children's progress at the School, or the wellbeing of School staff; and/or brings (or is likely to bring) the School into disrepute; and/or is not in accordance with their obligations under the Parent Contract. A non-exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds of unreasonable parental behaviour or conduct includes the following:

- treating the School or a member of staff unreasonably;
- making a malicious allegation about a member of staff or the School;
- communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive;
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community.;
- behaving in a manner which brings (or is likely to bring) the School into disrepute;
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) a pupil's progress at the School; and
- breaching the School's Terms and Conditions (Parent Contract).

The School reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to School/School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).

As set out in the School's Terms and Conditions (Parent Contract) the School may require the removal of a pupil in circumstances where the Head considers in their discretion that the pupil's progress at the School is unsatisfactory and, in the reasonable opinion of the Head, the removal of the pupil is in the School's best interests and/or those of the pupil or other children.

Please note that exclusion / required removal may also be imposed by the School as a sanction for a series of minor misdemeanours.

Investigation Procedure

1. Investigation

The Head undertakes to apply any sanctions fairly, and, where appropriate, after due investigative action has taken place (such investigation to be carried out by the Head's nominee). Parents will be informed as soon as reasonably practicable if the complaint or allegation under investigation is of a nature that could result in the pupil being suspended, expelled or required to leave.

A pupil will always be allowed and encouraged to give his/her account of events and to put forward any mitigating factors. The pupil(s) and staff involved may also be asked to prepare written statements as soon as possible after the incident has taken place.

As part of the investigation the pupil may also be interviewed informally by a member of staff to establish whether there are grounds for the reported complaint and/or a formal investigation.

The School is not required to inform the parent(s) that an informal meeting is to take place but will arrange for a member of staff to be present to support the pupil.

A pupil who is waiting to be interviewed may be segregated and the School may confiscate a pupil's mobile phone or other personal belongings (as appropriate) for such period as is deemed necessary.

All evidence will be very carefully assessed and collated. Records will be kept of all proceedings and the findings of the investigation will be presented to the Head for consultation and consideration.

2. Suspension pending investigation

The School reserves the right to require a pupil to remain away from School as a neutral act during an investigation procedure. Alternatively, the School may decide to implement a segregated regime on School premises.

Should a suspension continue for a period of more than 5 school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The School will co-ordinate these arrangements with the pupil's parents or guardians. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set.

3. Search

The School reserves the right to search pupils and their possessions, including their mobile phone. More information regarding the School's approach to searches and confiscation can be found in the School's policies on Confiscation and Room searching

Reports to the Police (and others)

The School will report to the Police any activity which it believes may amount to a criminal activity which takes place either within the School grounds or outside of its grounds.

Possessions or items including (but not limited to) drugs, weapons or phones may be confiscated immediately and held for the Police as potential evidence.

If the School reasonably suspects a pupil may have taken drugs then the School will seek immediate medical advice and may involve the Police, where necessary. Please see the School Drugs and Drug Testing Policy for further information.

Sexual offences will be reported to the Police (and Children's Services) in line with the School's Child Protection and Safeguarding Policy and Procedures, including in cases where a pupil is suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parents will usually also be informed of the incident and told that the Police have been informed. The School will also apply the terms of its Safeguarding Policy and Child Protection Procedures to ensure there is sufficient support in place for the pupils involved.

Disciplinary meeting with the Headmaster

a. Preparation

The Custos will be informed of the investigation and that a disciplinary meeting is to be held but will not take part in either of them. Prior to the meeting, certain documents will be made available to pupils and parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the allegation or points of complaint;
- written statements and notes of the evidence supporting the allegation or complaint, and any relevant correspondence;

- the relevant investigation report;
- the pupil's School file, including data on attendance and conduct;
- the relevant School policies and procedures.

Any such documents may be redacted or a summary provided for reasons of confidentiality and/or data protection. Any written submission provided by, or on behalf of the pupil must arrive at the Head's office 2 working days prior to the disciplinary meeting.

b. Attendance

The pupil and his/her parents/guardian (if available) will be asked to attend the disciplinary meeting with the Head, unless the circumstances involve the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour, in which case only the parents will be asked to attend.

The pupil may also be accompanied by a member of staff of his/her choice. The pupil's parents may also be accompanied should they so wish but legal representation is not appropriate and is not permitted.

The Head should be informed of all attendees at least 24 hours prior to the disciplinary meeting.

c. Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Head. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

Notes will be taken by the School during the disciplinary meeting and a copy of the notes will be provided to the parents upon request.

The pupil will have an opportunity to provide their account of the circumstances surrounding the complaint or allegation and both the pupil and his/her parents will be able to ask questions. The pupil/parents will also be able to address the Head on the issue of sanctions.

If the Head considers that further investigation is needed, the disciplinary meeting may be adjourned and the reason for the adjournment will be explained to the pupil and their parents. If an adjournment is not necessary, following the conclusion of the meeting the Head will make a decision on the balance of probabilities. The Head will communicate his decision in writing within 5 working days from the meeting.

If the Head considers that permanent exclusion may be the appropriate sanction, the pupil's previous disciplinary history may be considered, and/or any other favourable or unfavourable conduct known to the School when reaching a decision in respect of the pupil.

Where the sanction imposed is exclusion, required removal or suspension, the written report on the investigation will be placed on the pupil's file alongside all correspondence and records of investigation.

Details of the exclusion, required removal or suspension will be recorded on the School's Pupil's Sanctions Record.

Delayed effect

A decision to permanently exclude a pupil shall take effect 7 days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 7 days the parents have made a written application for a review by the Governors, the pupil shall remain suspended until the appeal has taken place and either the sanction is upheld or a reconsidered decision is made. Any pupil who is permanently excluded will not be removed from the School register until the appeal process has been concluded.

Pupils who have permanently left the School, irrespective of leaving status, are not permitted to re-enter School premises without prior consent from the School.

Pupils who have permanently left the School, irrespective of leaving status, are not permitted to sit public examinations at the School, unless by express agreement with the Head. The School may make arrangements for the transfer of any course and project work to either the leaving pupil, the parent(s) or to another school.

Withdrawal

The Head is entitled to discuss with parents the withdrawal of their child from the School if he reasonably believes, after consultation with the parents, that the behaviour or performance of the pupil is unsatisfactory, or the health and safety of pupils and staff will be put at risk; and that it is in the best interests of the pupil and/or the School. A parent's decision to withdraw a child may avoid a permanent exclusion.

There is no right of appeal following a withdrawal.

Fees

In accordance with section 8 of the School's Terms and Conditions, no refund of fees will be made in the case of an exclusion or withdrawal, but in the case of withdrawal no fees in lieu of notice will be required. Any fees and/or supplemental charges that have been prepaid for or relate to any term after the term in which the exclusion/withdrawal occurred will be refunded.

Appeals against exclusion

- a. The School will always offer the right of appeal to any pupil permanently excluded or required to be removed from the School and appeals will be dealt with by way of a Governors' review hearing.
- b. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction).
- c. Pending such an appeal, the pupil shall remain suspended from the School.

Request for review

Upon notification of the Head's decision to exclude or require a pupil to leave the School, a pupil or his/her parent(s) may make a written application for a Governors' review hearing.

The application must be received by the Clerk to the Governing Body within 72 hours of the decision being notified to the parent(s) and must clearly set out the grounds on which they are asking for a review and the outcome that they seek. A disagreement with the Head's decision alone is not sufficient grounds for a review. The grounds for a review are limited to assertions that:

1. Further evidence has come to light; or
2. The process and decision were flawed for reasons of procedure or proportionality.

Review Hearing

The review will be undertaken by at least 2 governors and a third person that is independent of the School ("the Review Panel"). They will have no detailed prior knowledge of the case, or of the pupil or parents. Parents will be notified in advance of the names of the members of the Review Panel.

The hearing will take place at the School premises unless notified otherwise, normally no later than 10 days after a request for appeal has been received, during term time.

A review hearing is an internal procedure and all those involved, or who are concerned in the procedure, are required to keep its proceedings confidential. Those present at the hearing will usually be:

- Members of the Review Panel;
- the Clerk to the Governors;
- The Head and any relevant members of staff whose presence the Head considers to be necessary to secure a fair outcome for the pupil; and
- The pupil, together with his/her parent(s)/guardian(s). If they wish, the parent(s)/guardian(s) may be accompanied by a friend or relative who is not legally qualified.

Conduct of the review hearing

The review hearing will be chaired by one member of the Review Panel. As with the disciplinary meeting, the hearing will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

The Clerk to the Governors will be asked to take minutes of the hearing and a copy of those minutes will be provided to the parent(s)/guardian(s) within 3 working days following the meeting.

The Chair of the Review Panel will ensure that all those present have the opportunity to ask questions and make appropriate comments.

Decision

The Review Panel review will consider the grounds for the review and shall decide whether to either:

- Uphold the decision of the Head and, if minded to do so, with the agreement of the Head, discuss the pupil's leaving status (i.e. permanent exclusion, required removal or withdrawal) with a view to reaching an agreement; or
- Recommend the decision of the Head be reviewed and, if minded to do so, require the Head to review the decision including recommending an alternative sanction.

The Panel will only recommend this action where it considers, having regard to the process followed by the Head, that the Head's decision to exclude/require the removal of the pupil was not a reasonable decision for the Head to have taken.

The Chair of the Review Panel will endeavor to notify the parent(s)/guardian(s) in writing of the decision and the reasons for the decision within 3 working days of the review meeting.

For the purposes of this policy "working days" refers to weekdays (Monday to Friday) during term time, excluding bank holidays and half term.

Confidentiality

All those participating in the application of this policy, including parent(s)/guardian(s) and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.