



**KING  
EDWARD'S  
SCHOOL  
BATH**

## **KING EDWARD'S SCHOOL POLICY DOCUMENT**

### **Title: Exclusion Policy**

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Responsibility	DH Pastoral

# **KES School: Suspension and Exclusion Policy**

## **Managing behaviour at King Edward's School**

King Edward's School has policies, procedures and staff training in place that promote good behaviour and prevent poor behaviour. These behaviour policies are widely publicised so that pupils, all school staff and parents are aware of the standards of behaviour expected of pupils and the range of sanctions that can be imposed. The school will apply behaviour policies in a consistent, rigorous and non-discriminatory way and all areas of their application will be monitored routinely to satisfy legal requirements as outlined in the Equality Act 2010.

Permanent exclusion as the result of long-term behaviour issues will be the last resort after a range of measures have been attempted to improve the pupil's behaviour.

The school believes that effective policies, procedures and training minimise the number of pupils at risk of either permanent or fixed period exclusion. For those at risk, additional measures employed could include:

- Intensive contact with parents
- A change of teaching set or class
- Curriculum alternatives at Key Stage 4 and 5, including attendance at a further education college or another form of alternative provision
- A managed move to another school, with the consent of all parties involved; this can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion
- Consideration by the SENCo, with colleagues, of possible interventions within the school, including an assessment of Special Educational Needs
- Referral to a specific support service, such as the Education Welfare Service, Children's Services or the Child and Adolescent Mental Health Service

All pupils at serious risk of exclusion will have a monitored Pastoral Support Programme (PSP) instigated and placed on record in order to help the pupils to manage their behaviour.

Where pupils are at serious risk of exclusion, all relevant agencies will be involved. The school believes that the behaviour of pupils at risk of exclusion is sometimes driven by complex combinations of social, emotional and health problems, so the involvement of other services should be co-ordinated. Multi-agency teams can be effective in such a situation.

## **Alternatives to exclusion**

The school believes that there are a number of options which may be available in response to a serious breach of our Behaviour Policy and our school rules (Rights and Responsibilities):

- Restorative justice, which enables the offender to redress the harm that has been done to a 'victim', and enables all parties with a stake in the outcome to participate fully in the process.

- Mediation through a third party is another approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g. pupil and a teacher, or two pupils.
- Headmaster's Detention can be used where there has been a serious breach of the School's Behaviour Policy, but the breach does not reach the threshold for exclusion (permanent or fixed term).
- Internal exclusion (suspension) can be used to defuse situations that require a pupil to be removed from the classroom but may not require removal from the school premises. The Internal exclusion (suspension) will be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods and lunchtime.
- A managed move to another school to enable the pupil to have a fresh start in a new school. This will only be done with the full knowledge and co-operation of all the parties involved, including the parents, governors and the LA, as appropriate, and in circumstances where it is in the best interests of the pupil concerned.

### **Breaches of discipline outside of the School grounds**

The School takes the conduct of its pupils outside of school grounds extremely seriously. A pupil's misbehaviour outside of School can be damaging to the reputation of both the pupil and the School. 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/or talk to witnesses before identifying further action and any sanctions required for such behaviour.

The School will usually 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 Children's Social Care and/or the police immediately. Other agencies may also be notified where necessary and appropriate to the facts of the case.

### **Removing pupils from the school site and the decision to exclude**

There are four sets of circumstances in which individual pupils may be required to leave the King Edward's School site, namely where:

1. There is sufficient evidence that a pupil has committed a serious disciplinary offence. In these circumstances the pupil may be excluded (suspended) from school for a fixed period or permanently.
2. A pupil is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the Head may decide that it is in the

interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a certain period. This arrangement would be subject to review at regular intervals.

3. For medical reasons, a pupil's presence on the school site represents a serious risk to their own, or the health or safety of other pupils or school staff. In these circumstances the Head may send the pupil home after consultation with the pupil's parents.
4. The pupil is given permission by the Head, or person authorised by the Head, to leave the school premises briefly to remedy breaches of the school's rules, for example on appearance or uniform, provided this can be done quickly and easily; this will not be for longer than is necessary to remedy the breach. This is not considered to be an exclusion but an authorised absence. However, if the pupil continues to breach uniform rules in such a way as to be sent home to avoid school, the pupil's absence may be counted as unauthorised absence. In all such cases the parent will be notified and the absence will be recorded.

These are the only circumstances in which pupils may be required to leave the school site.

Where a condition of attendance is that a pupil should be screened for use of drugs and a pupil refuses to undergo such screening, that pupil can be refused entry to the school. This would constitute an exclusion for refusing to follow instructions.

### **The decision to exclude**

A decision to exclude a pupil permanently will be taken only:

- In response to a serious breach of the school's behaviour policy; and
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

A decision to exclude a pupil for a fixed period (suspension) will be taken, on a balance of probabilities, only in response to breaches of the school's Behaviour Policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate or have not proved effective.

Individual fixed period exclusions (suspensions) will be for the shortest time necessary (between 24 hours and one week), bearing in mind that exclusions of more than one or two days may make it difficult for the pupil to reintegrate into the school afterwards.

Only the Headmaster, or his designate, can exclude a pupil. Other exclusion-related activities do not have to be undertaken by the Head personally, but will be delegated to the appropriate senior member of staff.

A decision to exclude a child permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities. It is an

acknowledgement by the school that it has exhausted all available strategies for dealing with the child, or that a “one-off” breach of the behaviour policy is extremely serious.

There may be exceptional circumstances where, in the Headmaster's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. These may include but are not limited to:

- Serious actual or threatened violence against another pupil or a member of staff
- Behaviour which puts the safety of the pupil, or any other person, in jeopardy
- Verbal abuse or threatening behaviour against pupils or adults
- Sexual abuse or assault
- Supplying an illegal substance; or the possession of a Class A or B illegal substance
- Carrying an offensive weapon
- Misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the School community
- Misconduct which brings or is likely to bring the School into disrepute
- Abuse on grounds of race, sex, sexual orientation, gender reassignment, religion/ belief, disability, SENs (etc.) or any form of unlawful discrimination
- Sexual harassment or misconduct, including youth-produced sexual imagery
- Committing a criminal offence
- Persistent disruptive behaviour or breaches of the School's Behaviour Policy.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

### **Factors which will be considered before making a decision to exclude**

Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headmaster will:

- Ensure that a thorough investigation has been carried out;
- Consider all the evidence available to support the allegations, taking account of the School's Behaviour and Equal Opportunities policies and, where applicable, The Equality Act 2010;

- Ensure that the student has had the opportunity to give their version of events to a senior member of staff;
- Check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- Consider the pupil's Special Educational Needs (SEND).
- If necessary, consult others, but not anyone who may later have a role in reviewing the Head's decision, for example a member of the governing body

### **Investigation procedure**

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the pupil may be excluded.

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 a complaint or allegation under investigation is of a nature that could result in the pupil being excluded.

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

Prior to any decision being taken by the Head to exclude or require the removal of the pupil, the Head will meet with the pupil and their parents, or in circumstances involving the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour, the parents.

If the Head considers that further investigation is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the pupil / their parents.

Following the conclusion of the meeting the Head will reach a decision on the balance of probabilities. The Head will communicate the decision in writing within three working days from the meeting.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Headmaster to make a judgment on the balance of probabilities on whether to exclude the pupil.

### **Procedures following a fixed period exclusion (suspension)**

The Headmaster will notify the Governing body of any exclusion.

Academic work will be set for the pupil during the period of the fixed term exclusion (suspension).

A pupil returning to school following a period of exclusion (suspension) will be welcomed back with a reintegration meeting, which he/she and a parent/guardian is expected to attend, before re-joining the school community. The purpose of the meeting is to assist with the reintegration of the pupil and to encourage an improvement in his/her behaviour. It provides an opportunity to:

- Emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- Discuss how behaviour problems can be addressed;
- Explore wider issues and any circumstances that may be affecting the child's behaviour;
- Reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

Where exclusion, fixed period exclusion (suspension) or required removal is imposed, a written report will be placed on the pupil's file. Details of the exclusion, fixed period exclusion (suspension) or required removal will be recorded on the School's Pupil's Sanctions Record.

### **Removal of pupils from the school in exceptional circumstances**

There may be exceptional circumstances in which the Headmaster needs to remove pupils from the school site when exclusion would be inappropriate. An example is where a pupil is accused of committing a serious criminal offence which took place outside the School's jurisdiction or where there may be insufficient evidence to warrant exclusion.

The Headmaster can authorise leave of absence for a fixed period, with the parents' agreement, or, exercising powers delegated by the governing body under section 29(3) of the Education Act 2002, can arrange for the pupil to be educated elsewhere.

### **Removal of pupils on medical grounds**

The Headmaster may send a pupil home, after consultation with that pupil's parents and a health professional, for example the school nurse, when a diagnosed physical or mental illness (such as notifiable disease) means that he/she poses an immediate and serious risk to the health and safety of other pupils and staff or to themselves.

### **Required Removal**

There may be circumstances in which parents may be required to remove their child permanently from the School, after consultation with the parents and if appropriate for the pupil, the Headmaster is of the opinion that the removal is in the School's best interests, or those of the pupil or other pupils at KES.

These circumstances may include, but are not limited to:

- Where there has been persistent disruptive behaviour (including behaviour outside of School) and lesser sanctions such as detention are considered inappropriate or have not proved effective.

- Where attendance is unsatisfactory.
- Where the progress of the pupil is unsatisfactory.
- Where the School is unable to meet the pupil's needs, including cases where the School cannot reasonable accommodate adjustments or reasonably provide the nature or level of support required.

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 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 unacceptable 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; 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).

### **Appeals against exclusion / required removal**

The School will always offer the right of appeal to any pupil excluded or required to be removed from the School. Any appeal against exclusion will be dealt with under Stage 3 of the School's Complaints Procedure, and should be made in writing to the Head within five working days of the pupil's exclusion/required removal. The outcome of the appeal process is final and there shall be no further right to appeal.

If a decision is taken by the parents to withdraw the pupil, the parents will waive any right to an appeal.

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

This policy should be read in conjunction with the School's Behaviour Policy, Anti-Bullying Policy, School Rules and Regulations, Drugs and Harmful Substances Policy and Complaints Procedure.

For all procedural requirements relating to Exclusion the School has due regard for the following:



DfE Guidelines 2008,  
'Behaviour and Discipline in Schools: Advice for Headteachers and School Staff', DfE, January 2022  
The Education Act 2002, Part 10  
The Education (Independent School Standards) Regulations 2014 as amended including by the Education (Independent School Standards) Regulations 2018 (**ISS Regulations**)  
The Equality Act 2010

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