



### **BKHS Exclusion Policy**

Name of policy	Last reviewed	Next review date	Responsible
Exclusion	June 2022	June 2024	Principal

#### **Policy statement**

At BKHS, we encourage the establishment of good teacher/pupil relationships and support for the Schools' values through a system of rewards and sanctions which are designed to promote a calm, disciplined learning environment. School policies on behaviour will be widely publicised so that pupils, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions available.

This policy is designed to assist the Heads in meeting their obligations under Part 3, Paragraph 9 of the ISS Regulations and the Statutory Framework for the Early Years Foundation Stage (EYFS). All of these require schools to have arrangements in place to promote good behaviour in school and that appropriate sanctions are imposed when a pupil fails to meet appropriate standards of behaviour.

Heads, the Principal, Governors (especially appeal/review panel members) and the Governance and Compliance Officer should all have regard to this overarching policy document when considering exclusions.

We believe that exclusion is recognised as an appropriate sanction, however permanent exclusion should usually only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of serious and/or persistent breaches of the school's discipline policy. During exclusions the Head (or nominated senior member of staff) should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil and others.

A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances and exclusions should only be instigated when all other routes have been exhausted and/or as detailed in this policy.

#### **Statutory Framework**

The Coventry School Foundation and its schools must make sure that any exclusion complies with:

- School policies and the Terms and Conditions of the contract with parents
- Foundation's wider legal obligations including those listed in
  - The Education Act 2002



- Equality Act 2010
- The Independent School Standards Regulations (ISSR)

Exclusions should only ever be issued by the Head or Deputy Head with delegated authority in the Head's absence. Any decision to require the removal of a pupil or to permanently exclude should follow consultation with the Chair of Governors and Principal.

In this policy, reference to 'exclusion' includes both fixed term (temporary) and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.

### **Behaviour warranting exclusion**

This policy gives examples of behaviour that merits exclusion and its geographical location i.e. that it extends to behaviour outside school which brings the school into disrepute and/or could have repercussions for the orderly running of the school. Examples of behaviour that might merit exclusion can be found at Appendix 1.

### **Exclusion from school**

There are three types of exclusion:

1. Fixed term internal exclusion  
This is a temporary exclusion for a fixed number of days. The pupil will be withdrawn from lessons during this period and supervised by a senior member of staff. During this time work will be set for the pupil, this may include some restorative work. Time outside lessons will be supervised and away from other pupils.

There is no automatic right of appeal against an internal exclusion except via the BKHS complaints policy.

2. Fixed term exclusion (temporary exclusion/suspension)  
This is a temporary exclusion usually for a fixed number of days. The pupil should remain at home during this period (for any exclusion for longer than 38 hours the School should take reasonable steps to set work for the pupil).

Fixed term exclusions (internal or external) may be, for a period of between 24 hours and 5 days for serious indiscipline; or less serious offences, where repeated punishment has proved ineffective. If a fixed term exclusion is ineffective, the Head may be forced to permanently exclude the pupil, or to require him/her to be removed (as described below).

3. Permanent exclusion



This is where the pupil is permanently removed from the school and the contract between the school and parents in relation to the excluded pupil is terminated. The decision should only be taken where the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; and/or allowing him/her to remain in the school seriously harms the learning or welfare of the pupil or others in the school; and/or the parents have breached their contractual obligations with the school, including with regard to non-payment of fees.

For breach of school discipline by a pupil, in most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where, in the Head's professional judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

### **Stages of Exclusion**

The exclusions process will usually fall into three stages:

1. Investigation
2. Decision by the Head
3. Consideration of the Head's decision by an appeal panel if requested by parents.

The initial decision on whether to exclude is for the Head to take. As part of considering each permanent exclusion, the Head must consult with the Principal and Chair of Governors before the decision is reached.

### **Required removal**

Any decision to require the removal of a pupil should also follow consultation with the Principal and the Chair of Governors before the decision is reached by the Head.

Required removal may be an option available to the Head as an alternative to exclusion. Before this course of action is adopted, the School will adhere to the detail of school policies and the Terms and Conditions of the Contract to see the circumstances in which a pupil may be required to leave as opposed to being excluded.

By way of example, a Head may require parents to remove a pupil when, in the professional opinion of the Head, there has been a breakdown in the relationship between the pupil and/or parent(s) and the School. This may arise through:

- A breakdown of trust and confidence between the School and the parent(s). This may manifest itself in a number of ways, including:
  - Unreasonable behaviour or conduct of parents which adversely affects (or is likely to adversely affect) their child's or other children's progress at the school, or the wellbeing of staff and/or brings (or is likely to bring) the school into disrepute
  - Parent(s) not supporting the school in behaviour management
  - Vexatious behaviour, such as parents repeatedly bringing unsubstantiated claims
  - Abusive behaviour by parents to the school's staff, pupils or other parents (for example as a spectator at school fixtures).



- A breakdown of trust between the school and the pupil. This may manifest itself in a number of ways, including:
  - Persistent misconduct such as unauthorised absence from school;
  - Unsatisfactory attendance and, in the reasonable opinion of the Head, the removal is in the school's best interests and that of the child or other children;
  - When a pupil has brought a malicious or unjustified allegation against a member of staff;
  - Other circumstances where the Head (after appropriate consultation) is satisfied that it is not in the best interests of the pupil, or of the School, that the child remains at the School.

## 1. Investigation

Heads must apply sanctions fairly, and, where appropriate, after due investigative action has taken place. Parents should be informed in writing as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded.

In some cases, an investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required. In this case, a Head may issue a fixed term exclusion for a short period (a maximum of 5 school days is advised) as a neutral act:

- to allow investigation to take place; and/or
- to give opportunity for a reasoned decision.

In this case the letter informing parents of the fixed term exclusion should clearly state that the reason for the fixed term exclusion is "to allow investigation into an incident which may result in permanent exclusion". Alternatively, the pupil may be placed under a segregated regime on school premises. The letter should not state that the suspension is, in itself, punishment for the incident under investigation. When a pupil is suspended in this way, teachers should set work to be completed by the pupil during their period of absence. The School will have a duty of care, including safeguarding, to any pupil who is suspended pending an investigation.

Further information about the investigation process can be found below.

## 2. Decision by Head

Once the investigation is complete, a further letter should be sent containing one of the following:

- notification for the pupil to return to school;
- an extension to the fixed term exclusion (if reasonably required); or
- notification of a permanent exclusion.

Decisions should be reached on the balance of probabilities e.g. it is more likely than not that the pupil committed a serious breach of school discipline. In exceptional cases, usually where further evidence not available at the time of the investigation has come to light, a fixed term



exclusion may be extended and/or converted to a permanent exclusion. Similarly, a Head may choose to dismiss a fixed term exclusion in the light of new evidence.

### **Behaviour outside school**

The Head may discipline pupils even if the circumstances giving rise to exclusion occur when the pupil is out of school. Schools' own behaviour policies make clear how this operates in practice. By way of example, this may apply in the following circumstances:

- 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; or
  - 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).

### **Police involvement and parallel criminal proceedings**

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances the school's own disciplinary process may need to be postponed pending the outcome of the police investigation. Schools should liaise closely with the Police in such cases to avoid jeopardising any Police investigation. In such circumstances, an extended fixed term exclusion may be used (if appropriate).

Schools should also take particular care if there are ongoing safeguarding concerns and ensure they follow their safeguarding procedures to avoid jeopardising any external investigation and that appropriate advice is sought before taking any disciplinary decision.

### **Investigatory procedures**

This section should be read alongside the School's investigation procedures.

All misbehaviour or disciplinary incidents must be dealt with by the School as soon as it is reasonably possible to do so.

In the event of an incident of serious misbehaviour, an investigation should be carried out to establish the facts. An investigation of a complaint or allegation about serious misbehaviour may be coordinated by an appropriate member of senior staff. It is important to ensure that parents are 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.



To ensure a fair process, the pupil should be given the opportunity to give their account of events and to put forward any mitigating factors: this is important to establish whether there are grounds for the reported complaint and/or a formal investigation. It would not normally be appropriate for parents or guardians to sit in on a school investigation interview. 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 a period as it is deemed necessary. Due regard should also be had to any vulnerability and/or SEND the pupil may have and whether any additional support should be put in place.

If other pupils and staff are involved, it may be appropriate to speak with them and/or ask them to prepare written statements as soon as possible after the incident has taken place. The findings of the investigation should be presented to the Head for consultation and consideration.

### **Search**

The School reserves the right to search pupils and their possessions and will ensure such searches are conducted in line with guidance on searches and confiscation issued by the DfE ("[Searching Screening and Confiscation](#)") and the School's own behaviour policies.

### **Reports to the Police (and others)**

Schools will usually report to the Police any activity which they reasonably suspect may amount to criminal activity which takes place.

Possessions or items including (but not limited to) drugs, weapons or phones which are evidence of an offence must be passed to the Police as soon as possible. Any article that is reasonably suspected to be an offensive weapon must also be passed to the Police.

If schools reasonably suspect a pupil may have taken drugs then schools should seek immediate medical advice and involve the Police and/or children's social care, where necessary and appropriate.

In cases where a pupil is suspected or alleged to have committed an offence, such as rape, assault by penetration or sexual assaults, the starting point is that they should be passed to the Police. This will often be a natural progression of making a referral to children's social care. The school's designated safeguarding lead (or a deputy) should be leading the School's response and will be aware of the process for referrals to children's social care and making reports to the Police. The alleged victim's parents will usually also be informed (subject to data protection



and safeguarding considerations) of the incident and be told that the Police have been informed.

The Police would normally inform parents of the accused pupil and arrange for them to be present if they wished to speak to the pupil. On rare occasions it may be appropriate for a member of the School staff to support the pupil in an interview and we would follow nationally agreed procedures in this case.

Schools should ensure their Safeguarding and Child Protection Policy is followed to ensure there is appropriate support in place for all pupils involved.

### Disciplinary meeting

A formal disciplinary meeting should always follow where the investigation has identified a case for which **permanent exclusion** is a possible outcome. A disciplinary meeting may also be considered for a temporary exclusion although this may follow the exclusion to support re-integration back into the School community.

### Preparation for the meeting

The Head should convene a meeting to consider the matter and invite the pupil and his/her parents to attend the meeting. The Principal and Chair of Governors should also be kept informed (but should not take part in the process). Prior to the meeting, certain documents should be made available to the pupil (as appropriate to their age and understanding) and their parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the points of complaint;
- written witness statements;
- notes of the evidence in support of the complaint;
- the relevant school policies and procedures; and
- the investigation report.

Due regard must be had to confidentiality owed to other pupils and/or families and compliance with the School's data protection obligations. Documents may therefore require redaction or a summary provided instead. Any written submission provided by, or on behalf of the pupil, should be passed to the Head before the disciplinary meeting. We recommend at least one full working day before the meeting to allow sufficient time for the Head to review.

The pupil should be in attendance throughout the disciplinary meeting and may be accompanied by a trusted adult (which may be a member of staff). The pupil's parents may similarly be accompanied, should they wish. Legal representation is not appropriate and should not be permitted. Parents may take their own notes of the meeting but electronic recordings should not be permitted. The Head should be informed of all attendees at least 24 hours before the disciplinary meeting.



### Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Head but should be as informal as possible. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil/s involved, considering any additional needs of the pupil/s in all circumstances. Notes should be taken by the school during the disciplinary meeting. The meeting should be followed up in writing, to confirm what was discussed. A copy of the notes can be provided to the parents, if they request this.

The pupil should have an opportunity to provide their account and both the pupil and his/her parents should be able to ask questions.

If the Head considers that further investigation is needed, the disciplinary meeting may be adjourned, and the reason for this adjournment should be explained to the pupil and their parents. If an adjournment is not necessary, the Head should communicate their decision in writing as soon as reasonably practicable following the meeting and in accordance with any timeframe(s) set out in school policies. The Head should include the reasons for their decision and the appropriate sanction. The pupil's previous disciplinary history may be considered, when reaching a decision.

Due regard must be had to any SEND the pupil may have and whether this may have contributed to the misconduct in question. Consideration must also be had to the school's obligations under the Equality Act 2010 where the pupil may be considered as having a disability.

### Leaving status

If the Head decides that a pupil should leave the school, the pupil's parents may be consulted to determine the appropriate leaving status for that pupil (i.e. permanent exclusion, required removal or voluntary withdrawal by the parents). There is no obligation on the Head to consult with parents. If the decision is made by the parents to withdraw the pupil, there should be no right to appeal.

Pupils who have permanently left the school, irrespective of leaving status, should not be permitted to re-enter school premises without prior consent from the Head and may not be permitted to sit public examinations at the school, irrespective of the timing of the offence(s). The school may arrange for the transfer of any course and project work to either the leaving pupil, the parents or to another school.





If the pupil is a looked after child, the School must liaise with the local authority and the virtual school.

Schools must make sure their Safeguarding and Child Protection Policy is followed and that appropriate referrals are made to the Local Authority and other agencies.

### Decision letter

The Head's decision letter should make clear to parents the disciplinary sanction that has been applied, the reasons for the decision (with reference to appropriate school policy and/or the terms of the contract, where applicable) and any right of appeal and how parents may exercise this.

Where a pupil is permanently excluded, the sanction that will be applied to the pupil will be that of a permanent exclusion. This means that the pupil is permanently excluded unless and until the decision is overturned (such as following a review by an appeal's panel). This means that the excluded pupil will not be allowed back into school unless the permanent exclusion is reversed.

### Appeal Hearing

An appeal process is available to parents of a permanently excluded pupil or where the pupil is required to leave the school. The right to appeal does not extend to fixed term exclusions (whether pending an investigation or as a sanction) or where the pupil is withdrawn by the parents.

If parents wish to appeal the Head's decision to exclude/require removal, parents must do so within 72 hours of the Head's decision. This supersedes the timeframes provided for in the Complaints Procedure as it relates to appeal against the permanent exclusion/required removal of a pupil. If the School receives a request outside the specified period, it is not obliged to arrange an appeal, but it is recognised that there may be exceptional circumstances where an appeal may be accommodated.

### Request for review

Upon notification of the Head's decision to exclude or require a pupil to leave the School, parents may wish to appeal the Head's decision and request a panel hearing. The process that must be followed is below.

An application should be received by Governance and Compliance Officer within 72 hours of the decision being notified to the parents and clearly set out the grounds on which parents are asking for a review and the outcome that they seek.



### Review hearing

The review should be undertaken by three members of the governing body. None of the panel should have detailed prior knowledge of the case. Parents should be notified in advance of the names of the members making up the review panel. The meeting should take place within the timeframes set out in the school complaints policy.

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

- Members of the review hearing and the Governance and Compliance Officer
- The Head and any relevant members of staff whose presence the Head considers to be necessary to secure a fair outcome for the pupil;
- The pupil (where appropriate)
- The pupil's parents and, if they wish, the parents may be accompanied by a friend or relation who is not legally qualified.

### Conduct of the review hearing

- The review hearing should be chaired by one member. As with the disciplinary meeting, the hearing should be conducted in an informal, non-adversarial manner appropriate to the age, understanding and maturity of the pupil involved, considering any additional needs of the pupil in all circumstances.
- Someone should be asked to take minutes of the hearing. This will usually be the Governance and Compliance Officer
- A copy of the minutes can be provided to the parents after the meeting, if the parents so request.
- Parents may take their own notes of the meeting but electronic recordings should not be permitted.
- The Chair of the panel should ensure that all those present have the opportunity to ask questions and make appropriate comment.
- The Chair of the panel may at his/her discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the Head will stand.

### Decision

The Panel will consider the grounds for the review and may decide to either:

- Uphold the decision of the Head
- Recommend the decision of the Head to be reviewed and, if minded to do so, recommend the Head reviews their decision including recommending an alternative sanction.
- Only in very rare circumstances may a Panel decide to overturn the Head's decision and order reinstatement (either immediately or by a particular date).



When considering the Head's decision, the panel should apply the following tests which need to be satisfied to quash the decision:

Illegality – Did the Head act outside the scope of their legal powers in taking the decision to exclude?

Irrationality – Did the Head rely on irrelevant points, fail to take account of all relevant points or make a decision so unreasonable that no Headteacher acting reasonably in such circumstances could have made it?

Procedural impropriety – Was the process of exclusion and the Head's consideration so unfair or flawed that justice was clearly not done?

The Panel will write to the parents informing them of its decision and the reasons for it, within 5 working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. A copy of the panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents as well as the Chair of Governors and the Head. A copy of the panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the Head and provided, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate. A note of the panel's decision should be placed on the pupil's school record with copies of relevant papers.

#### Confidentiality

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

#### Role of the Governance and Compliance Officer/Clerk

The Clerk to the panel should not be a member of the governing body or the Heads' personal assistant. The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not contribute to the meeting other than in an administrative capacity.

Where possible, the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

#### Remedies after the panel's decision

Following a panel's decision there are no further internal procedures open to parents. Notwithstanding the procedures explained in this policy, parents have the right to address concerns to the Independent Schools Inspectorate (ISI), Department for Education and have recourse to law.



### Deleting a pupil from the school roll

Where a pupil is permanently excluded or is required to leave, the pupil should not be removed from the roll until such time as the timeframe for appealing the Head's decision has passed and/or the outcome of panel review is known. This is important because a pupil can only lawfully be deleted from the admission register on the grounds prescribed in the Education (Pupil Registration) (England) Regulations 2006 as amended. These Regulations list the limited lawful grounds for removing a pupil from the roll. These include:

- The pupil has been registered at another school (unless it is agreed that the pupil should be registered at more than one school)
- The pupil is registered at more than one school, but has ceased to attend the school in question and a school at which the pupil is registered has given consent to the removal
- Written notification has been received from the parents that the pupil will be receiving education otherwise than at school
- The pupil has been permanently excluded
- The pupil, who is not of compulsory school age, has ceased to attend the school

The Local Authority must be informed no later than the day when a pupil's name is deleted from the school register. Further information can be found in the admissions policy.



Appendix 1: Examples of misconduct that may lead to permanent exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances.

Permanent exclusions should only be in response to persistent misconduct of a serious nature, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion, these are:

- a serious breach of safety requirements likely to endanger other people or the pupil themselves;
- use or possession of or supply of alcohol or illegal drugs within the school premises or during school organised activities;
- removal of, or damage to, school property;
- stealing from the school, employees of the school, or from other pupils;
- intentional damage to property;
- abuse of the school's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the school;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- bullying and/or harassment including racial, sexual or homophobic harassment;
- wilful defiance of the properly exercised authority of the school and its staff;
- bringing the school into disrepute or acting in a manner deliberately to undermine the school's principles or ethos.

Appendix 2: Information that must be contained the letter from the Head informing parents of an exclusion

- Whether the exclusion is permanent;
- Where the exclusion is fixed-term, the precise period of the exclusion;
- Where the exclusion is fixed-term, then a repeat of similar behaviour could result in permanent exclusion;
- The reasons for the exclusion;
- The parent's right to make representations to the governing body
- Who to contact about making such representations;
- The arrangements made by the School for setting of work (with parent(s) having responsibility for ensuring that work sent home is completed by the pupil and returned to school);
- That the parents of an excluded pupil, who is of compulsory school age, have a legal responsibility to make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification.