

# Exclusions policy and procedures

King's College London  
Mathematics School

## Monitoring and review

	Name	Date	Role
Reviewed	Dan Abramson	03/03/2021	Head Teacher
Ratified	Education Committee	09/03/2021	Governors
Next review	Education Committee	Spring 2022	Governors

## 1 Legal Framework

This policy has been written taking into account the Statutory guidance '[Exclusion from maintained schools, Academies and pupil referral units in England](#)' (September 2017) and the DfE guidance '[Behaviour and Discipline in Schools](#)' (January 2016) and in accordance with Section 89 of the Education and Inspection Act 2006.

This policy has been written with reference to the following guidance and documents:

- KCLMS Behaviour policy
- KCLMS Safeguarding policy
- KCLMS Home School agreement
- KCLMS Substance Abuse policy
- KCLMS's Anti-Bullying policy
- KCLMS Equal Opportunities policy
- KCLMS Learning Teaching and Assessment policy
- KCLMS Attendance and Punctuality policy
- KCLMS ICT Acceptable Use (Student) policy
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

KCLMS recognises the strong relationship between effective learning and teaching, attendance and positive behaviour, and all members of KCLMS are expected to meet our requirements for each.

## 2 Policy Outline

Exclusion from KCLMS can be a temporary withdrawal for a fixed term or a permanent exclusion. Exclusions must be lawful, reasonable and procedurally fair. KCLMS's procedures for dealing with temporary and permanent exclusions are mindful of the legislation 'The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012; and statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England' (DfE, September 2017).

This policy applies to those exclusions that are consequences to students not meeting behavioural expectations and should be read alongside the KCLMS Academic Exclusions Policy.

Exclusions are defined as Level 4 behavioural consequences. For further details about the level system (and in particular for information regarding Level 1, Level 2 and Level 3 consequences) see the KCLMS Behaviour Policy.

### **3 Investigations**

Before any exclusion is applied (fixed term or permanent), it will be necessary to conduct an internal investigation to determine whether a sanction is required and what sort of sanction is appropriate. Investigations may involve any or all of the following:

- Segregating the student or students concerned for no longer than is deemed necessary;
- Asking the student or students concerned questions;
- Questioning other KCLMS students;
- Requiring the student or students concerned to provide a written, signed and dated account describing their own version of events (this will always be requested from a student who may be externally excluded);
- Searching students' personal possessions;
- Taking possession students' property for analysis.

Investigations will be conducted fairly and in accordance with natural justice. The student or students concerned will have access to a telephone, toilet, food and drink, and will not be left alone for long periods of time.

Investigations will normally be carried out by a member of the Senior Leadership Team. The student or students concerned may be accompanied at interviews by another member of staff at their request. Following interviews, the student or students concerned will be asked to make a written statement, and to sign and date this statement.

Sources of information will not normally be disclosed for the sake of confidentiality, and to protect other students. All efforts will be made to ensure that parents/carers are kept informed.

Depending on the nature of the offence, it may be necessary for KCLMS to contact the Police or Social Services. This decision will be taken by the DSL and/or Head Teacher.

The person conducting the investigation will provide a written summary of their investigation to the Head Teacher. The Head Teacher will review the investigation report and determine the next steps:

- If no sanction or a Level 1-3 sanction is to be applied, the Head Teacher will work with the Assistant Head (PDBW) to apply this sanction.
- If the Head Teacher determines that a Fixed-Term Exclusion is appropriate, the Head Teacher and Assistant Head (PDBW) will together agree a term for the

exclusion and will then communicate their decision to the student and to the student's parents/carers (see section 4 below).

- If the Head Teacher believes that a Permanent Exclusion may be appropriate, the Head Teacher will set up a further interview with the student (see section 5 below) before proceeding.

#### **4 Fixed-Term Exclusions**

Only the Head Teacher has the authority to apply a fixed-term exclusion to a KCLMS student. Procedures following the decision to exclude on a fixed-term basis will follow those set out in the DfE guidance 'Exclusion from maintained schools, Academies and pupil referral units in England'.

In the event that the Fixed-Term Exclusion of a student is deemed appropriate following an investigation, parents/carers will be informed on the day that the exclusion is applied. The school will make all efforts to do this face-to-face; if necessary the school will inform via a telephone call. The parents/carers of the excluded student can also expect a formal written communication from the Head Teacher providing details of the breach of KCLMS's expectations of conduct and behaviour, or the particular incident, and the basis for the decision to temporarily exclude.

The written communication will clearly state:

- the reason(s) for the exclusion;
- the length of the exclusion (which will start on the day that the student is sent home);
- the date on which the excluded student is permitted to return to KCLMS;
- any further actions that are to be taken following the exclusion;
- parents' right to make representations about the exclusion to the governing board and how the student may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

The Head Teacher will also, in the written communication, draw attention to relevant sources of free and impartial information, which will include:

- a link to the DfE's statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to a source of impartial advice for parents available from the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or 08088 020 008 from 8am to 8pm Monday to Friday); and

where considered to be relevant by the Head Teacher, links to local services.

## **5 Permanent Exclusion**

Only the Head Teacher has the authority, after proper consideration, to permanently exclude from KCLMS any student for a serious or repeated failure to observe KCLMS's expectations of conduct and behaviour.

Permanent exclusion from KCLMS is regarded as a last resort and will usually be considered in response to a history of persistent breaches of the KCLMS Behaviour Policy, where other strategies and consequences to modify the behaviour of the student have proved to be ineffective. The option of a managed move to another institution could be considered before permanent exclusion. In some instances, permanent exclusion will be in response to a "one-off" extremely serious breach of KCLMS's expectations of conduct and behaviour. Such instances are detailed in the KCLMS Behaviour Policy.

If on review of an investigation report the Head Teacher believes that a Permanent Exclusion may be appropriate, the Head Teacher will arrange an interview with the student directly. In this interview, the Head Teacher will review the investigation report with the student and give the student the opportunity to make their own representation.

In reaching the decision to permanently exclude, the Head Teacher will review the evidence available, including mitigating and aggravating factors relating to any incident, pastoral, medical and SEN considerations. KCLMS recognises that there are certain groups of students with additional needs who are particularly vulnerable to the impacts of exclusion. This includes students with statements of special educational needs (SEN) and looked after children. The school will, as far as possible, avoid excluding permanently any student with a statement of SEN or a looked after child.

The Head Teacher will communicate their decision to the parents/carers on the same day, making every effort to do so face-to-face, and otherwise via telephone. The Head Teacher will also write to the parents/carers, stating:

- the reason(s) for the exclusion;
- the fact that the exclusion is permanent;
- parents' right to make representations about the exclusion to the governing board and how the student may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

The Head Teacher will also, in the written communication, draw attention to relevant sources of free and impartial information, as described above in the case of temporary exclusions.

KCLMS Governors will not have any role in the initial decision to exclude to ensure that they are able to perform their review function properly and impartially (see the section "Governing Body Committee review") below.

## **6 Notifying the Local Authority and Governors**

The Head Teacher must, without delay, notify the governing body and the Lambeth Local Education Authority of:

- a permanent exclusion;
- exclusions which would result in the student being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- exclusions which would result in the student missing a public examination.

For all other exclusions the Head Teacher must notify the governing body once a term. All notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

For a permanent exclusion, if the student lives outside the local authority area in which the school is located, the Head Teacher must also notify the student's 'home authority' of the exclusion and the reason(s) for it without delay.

## **7 Governor Review**

The governing body must consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent (including where a fixed-period exclusion is followed by a decision to permanently exclude the student);
- it is a fixed period exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term; or
- it would result in a student missing a public entrance examination.

In any such case the governing body will review the exclusion and will follow the exclusions guidance set out by the government (<https://www.gov.uk/government/publications/school-exclusion>) when conducting such a review. In preparing for such a review:

- The Chair of Governors will select a sub-committee of three governors, referred to as the Exclusion Review Committee (ERC), to conduct the review, and will appoint one of those governors to act as Chair of ERC. In the event that an external independent review is requested by parents (see the section below on Independent Review), the Chair will represent the panel at that independent review meeting.
- The Chair of Governors will also appoint a Clerk for the ERC.
- The Head Teacher cannot be a member of the ERC.
- The Chair of the ERC will invite the following to an Exclusion Review Meeting (ERM):
  - the parents/carers of the student (and, where requested by them, a representative or friend);
  - the Head Teacher (and, where requested by the Head Teacher, additional representatives from the school).
- The Chair of the ERC will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, whilst keeping to the 15 day time limit.

- The Chair of the ERC will ask for written evidence to be submitted in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a student's SEN).
- Where possible the Chair of the ERC will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting.
- The Chair of the ERC will comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting, and will identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (or how the excluded student may feed in their views by other means if attending the exclusion meeting is not possible).

In any case where a Fixed-Term Exclusion has been applied for more than five but less than 15 days in a term, the governing body will consider within 50 school days of receiving the notice of exclusion whether the excluded student should be reinstated if representation is received from the parents/carers. In the absence of any representations from the parents/carers, the governing body will not meet in this instance and will not direct the reinstatement of the student.

In any case where a Fixed-Term Exclusion has been applied that does not bring the student's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents/carers, but it cannot direct reinstatement. The Chair of Governors will decide in such instances whether to arrange a meeting with parents/carers.

Where an exclusion would result in a student missing a public examination, the governing body will, insofar as it is reasonably practicable, consider the exclusion before the date of the examination. If it is not practicable for a sufficient number of governors to consider the decision before the examination, the Chair of Governors may select a smaller sub-committee to conduct the review. The ERC should in these circumstances consider whether it would be appropriate to exercise its discretion to allow an excluded student onto the premises for the sole purpose of taking the examination.

### Principles of Natural Justice

- All factual determinations are based on a balance of probabilities, both by the Head Teacher and at any subsequent review. This means that the Head Teacher/reviewing panel should accept that something happened if it is more likely that it happened than that it did not happen. In making any decision to exclude, the Head Teacher must ensure that the decision is fair, based on the facts of the incident and does not include any elements of discrimination.
- Members of the panel should be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal or school interest in its result. The Head Teacher should not discuss individual exclusions with members of their governing body as cases may be referred to the governing body for review.

- Both parties should be allowed to present their case without unreasonable interruption. Aggressive, repetitive or unnecessarily over-long presentations hinder the effectiveness of the review process and the Chair will retain discretion to curtail any such presentation.
- No party to the hearing should be in the presence of the panel unless the other party is also present. Every party should feel that they have had a full opportunity to present their case and have it duly considered.

### Exclusion Review Meeting (ERM)

The ERM will consist of three sections:

1. Representation by the Head Teacher, followed by the opportunity for the parent(s)/carer(s) or their friend or representative to ask questions of the Head Teacher.
2. Representation by or on behalf of the parent(s)/carer(s), which may include representation from the student concerned, followed by the opportunity for the Head Teacher to ask questions of the parent(s)/carer(s) and/or student concerned.
3. Consideration of the case by the ERC, which will take place privately.

In light of its consideration, the ERC can either:

- decline to reinstate the student; or
- direct reinstatement of the student immediately or on a particular date.

Where reinstatement would make no practical difference because, for example, the student has already returned to school following the expiry of a temporary exclusion or the parents/carers make clear they do not want their child reinstated, the ERC will still consider whether the student should be officially reinstated.

The Chair of the ERC will write to the parent(s)/carer(s) within five working days of the ERM to inform them of the ERC's decision. If the ERC is upholding a permanent exclusion the letter will set out the parent(s)/carer(s)' right to request an independent review and will also direct the parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision.

## **8 Independent Review**

If a permanent is upheld, parent(s)/carer(s) must be told of their right to seek an independent review of the decision reached by governors and the deadline for seeking such a review. They also have the right to request the attendance of a SEN expert at the Independent Review Panel meeting. The decision letter sent by the ERC to the parent(s) will include these details of the right of independent review. The parent(s) have 15 school days (from the date of receipt of the review panel's decision) to seek an independent review. Within 15 school days of such a request, the Chair of Governors will engage the services of an external clerking agency to arrange and clerk the Independent Review Panel.

The independent review is normally attended by the Head Teacher and Chair of the ERC. Where the parent(s)/carer(s) have legal representation or it is considered appropriate on behalf of the School, it may be agreed that the School should also have legal representation.



The Independent Review Panel cannot direct a governing body to re-instate a pupil. It may:

- a) uphold the exclusion;
- b) recommend that the original panel reconsider its decision; or
- c) quash the original panel's decision and direct the panel to reconsider its decision.

In the latter case, the Independent Review Panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the student.

## **9 Complaints Procedure and Appeals regarding Internal Exclusions**

This information should be read in conjunction with the School's Complaints Procedure.

When a decision is taken to internally exclude a student from KCLMS, the parents / carers and / or the student may contact the Head Teacher if they have concerns about the process KCLMS has followed or the fairness of the conclusion reached. A formal appeal to Governors is not part of the internal exclusions procedure, but parents / carers may enact the complaints procedure if they have any concerns about the decision or the process by which it was reached.

## **10 Additional aspects**

The following matters that may relate to both internal and external exclusions are covered in the KCLMS Behaviour Policy:

- Interventions (including searching, confiscating and physical intervention)
- Restraint and use of Reasonable Force.