



## **Suspensions and Exclusions Policy**

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## Introduction

This policy should be read in conjunction with the Behaviour Management Policy, the Parent Contract (particularly section 7 of the Terms and Conditions) and the Complaints Policy. It relates to exclusions from the School either temporarily (known as 'suspension') or permanently (known as 'exclusion') and explains the procedure applicable where the School is considering imposing a suspension or exclusion or has done so.

Such sanctions are applicable in response to the most serious cases of misbehaviour, ill-discipline or other contraventions of the School's code of conduct, as stated in Appendix 4 of the School's Behaviour Management Policy.

In every instance of decision-making regarding the application of these sanctions, care will be taken to comply with the rules of natural justice and the Equality Act 2010.

In this policy:

- **'Exclusion'** refers to the permanent exclusion of a pupil from the School for serious or persistent misbehaviour
- **'Foundation'** refers to the King's School, Worcester Foundation comprising King's St Alban's, King's Hawford and King's Worcester
- **'Head'** refers to any of the following: Foundation Head, the Head of King's St Alban's or the Head of King's Hawford and, in their absence, their Deputy Heads
- **'Parent'** refers to one or both parents, a legal guardian or education guardian
- **'School'** refers to any or all of the schools within the Foundation
- **'School Rules'** means the body of rules and policies of the School which set out expectations concerning conduct and behaviour, as may be amended from time to time for legal, safety or other substantive reasons, or in order to assist the proper administration of the School.
- **'Suspension'** refers to the temporary required absence of a pupil from the School and can take one of two forms.
  1. It may be used as a neutral (i.e. non-disciplinary) measure during the course of an investigation, disciplinary or other, when the continued presence of the pupil at the School could be prejudicial to the investigation or unduly compromising for the pupil concerned or others. During such a period of suspension the School will take reasonable steps to support the pupil's education.
  2. It may be applied as a serious sanction in response to misconduct by a pupil. It signals the requirement, as a consequence of that misconduct, for the pupil to be excluded from the School for a period of time on the grounds that such misbehaviour cannot and will not be tolerated within the School community. However, suspension in this form also indicates that the application of the sanction is not, in this instance, terminal and that the pupil will be offered a second chance.

## Responsibility of Parents

The Foundation requires all parents to ensure that they have read through the Behaviour Management Policy with the pupils under their care and expects them to actively encourage

adherence to these rules for the benefit and in the interest of all pupils attending Foundation schools and all members of the Foundation community.

## **School Rules**

The School Rules are drawn up to support the Foundation as an orderly and safe environment, to give a sense of security to each individual in the Foundation schools, to ensure respect for others and the property of others, and to make clear the distinction between acceptable and unacceptable behaviour. From time to time, pupils will break the rules, either deliberately or unintentionally. Action will be taken when an evident contravention of the rules is detected by or brought to the attention of a member of staff.

- The purposes of any action taken are:
  - to support the Behaviour Management Policy
  - to make a pupil aware of what is and is not acceptable
  - to ensure, as far as possible, that there is no recurrence of the breach of rules
  - to set an example to other pupils
  - to endorse co-operation between the School and parents
  - to ensure procedural fairness.
- Action might not entail the application of the School's system of sanctions in all instances, but in many cases it will. In the case of a serious breach of the rules appropriately serious sanctions will be considered.
- In all cases when sanctions are being considered, identifying the precise 'level' of misbehaviour will be a matter of judgment, based on all the circumstances including the intention behind the action, the frequency with which it has occurred and the effect it has on others. Mitigating factors will be considered and the School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability.
- Where exclusion or suspension are to be considered, the School will ensure that a pupil with a disability or special educational need and/or his/her parent(s) are able to present their case fully, particularly where the disability or special educational need might hinder this.

## **Procedure and Consequences**

The procedure followed by the School in cases where a sanction of exclusion or suspension lasting more than 5 days may be imposed are found in Appendices 1 – 3 of this Policy. The procedure followed by the School in cases where a sanction of suspension lasting 5 days or fewer may be imposed are found in Appendices 1 – 2 of this Policy.

The three stages of this procedure are as follows:

1. Investigation procedure – further details are set out in Appendix 1.
2. Determination procedure – further details are set out in Appendix 2.
3. Review – further details are set out in Appendix 3.

Although the application of sanctions will relate primarily to the facts of the episode of misconduct under consideration, the history of a pupil who has previously received one or more sanctions for a breach of the School Rules may be taken into account. This will be particularly significant if a specific written warning was given as part of an earlier sanction or if the earlier offence was of a similar nature to the current offence.

In the event of exclusion:

- Fees for the term in which the exclusion occurs are not repayable by the School.
- Fees in lieu of notice for the following term will not be payable by the Parent(s).

## Record Keeping


A record of all suspensions and exclusions is maintained by the Senior Deputy Head and Deputy Head Pastoral in the Senior School and, as appropriate, by the Prep School Heads.

## Privacy

We will ensure that private and personal information processed by the School or Foundation pursuant to this policy and the Behaviour Management Policy is processed in accordance with Data Protection and other applicable laws.

## Review

This policy will be reviewed by the Senior Deputy Head annually or at more frequent intervals if there are relevant legislative changes or guidance, and/or the evaluation of the policy highlights the need for a review.

<b>Authorised by</b>	Resolution of the Governors
<b>Signature</b>	
<b>Date Adopted</b>	20 May 2024
<b>Revised on</b>	20 May 2024
<b>Review due</b>	01 April 2025
<b>Circulation</b>	Members of Governors/ all staff / parents / pupils [on request]

## **Appendix 1: Investigation**

- Any investigation into suspected or alleged serious or persistent misconduct will be carried out in accordance with the rules of natural justice i.e. rigorously, impartially, rationally, fairly and in a way which is appropriate to the School, without formal legal procedures.
- The Head may delegate the process of investigation of suspected or alleged serious or persistent misconduct to other senior staff whose position or knowledge makes them an appropriate choice.
- The pupil may be required to remain at home (i.e. suspended) while the complaint about him or her is being investigated.
- It may be necessary to delay or pause an investigation, for example where external agencies such as the Police or Social Services are involved and have advised that this is necessary.
- Should this period of suspension continue for more than five school days the School will take reasonable steps to support the continuing education of the pupil. Work set may stand independent of work set in class and, instead, focus on independent learning. One senior member of staff will be the point of contact with the pupil in such cases.
- A suspension will not usually be for a period of longer than 15 days and suspensions longer than five days would be subject to consultation with and often approval by the Chair of Governors.
- If for some good reason suspension at home proves to be impossible, the pupil may be placed under a segregated regime on School premises.
- During such periods, access to School IT systems may be temporarily withheld.

### **Search**

If a search is required it will be carried out in line with Appendix 5 of the Behaviour Management Policy.

### **Interviews and statements**

- Pupils may be interviewed by a member of staff to establish the facts. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved and will take into account any additional needs of the pupil.
- Minutes of all interviews will be taken at the time and will be signed and dated by the interviewer(s) and signed by the interviewee or, where appropriate to the pupil's age, signed by the interviewer to confirm that the pupil has been asked to confirm if they are happy that their comments and views have been listened to.
- Where appropriate, pupils may be interviewed in the presence of an additional member of staff in order to help ensure the accuracy and objectivity of any notes taken.
- Written statements will be taken, where possible, from adults and pupils who witnessed the incident(s) or have relevant information to offer. Such statements should be signed and dated by those who gave them.
- While interviews are taking place pupil(s) may have to be segregated for periods of time in order to ensure the integrity of the investigation, but access to food, drink and toilet breaks will be ensured.

- The School may confiscate a pupil's mobile phone or other personal belongings as appropriate and for whatever period is deemed necessary. (See Appendix 5 of the Behaviour Management Policy.)
- Due attention will be paid to any vulnerability and/or SEND the pupil(s) may have and whether additional support should be put in place.
- If a pupil is to be interviewed formally by a senior member of staff about an allegation which could lead to the application of a serious sanction, arrangements will be made for him or her to have the opportunity to be accompanied by a member of staff of his or her choice or a parent, provided that the parent can be available at the time designated for the interview.
- Once all relevant information has been gathered, the investigating member of staff will make findings of fact and determine whether the allegations are true in full or part. Findings will be based on the balance of probabilities i.e. the staff member will ask themselves whether it is more likely than not that the allegations are true.
- The Investigator will prepare an Investigation Report for consideration by the Head to be accompanied by the evidence gathered and relied on.

### **Confidentiality**

In order for complaints, allegations or rumours to be investigated as quickly and fairly as possible, the School requests that pupil(s) and parents do not discuss matters publicly including via social media such as Facebook, Twitter, WhatsApp, Snap Chat or TikTok. Information provided as part of the investigation will be dealt with confidentially as far as reasonably possible, and we expect all parties to observe confidentiality.

## **Appendix 2: Determination**

- The final decision as to what sanction is appropriate is the responsibility of the Head of the School attended by the pupil whose behaviour has been investigated. It will only be in the most exceptional circumstances that this will be determined by a deputy head.
- Before the Head makes a decision, he or she will be provided with and will consider the following documents:
  - the Investigation Report
  - written statements, notes of interviews and any relevant documents including correspondence relating to the allegation, and any relevant correspondence
  - the pupil's School file and conduct record
  - the relevant School policies and procedures.
- When the sanction considered is exclusion, the Head is obliged to inform the Chair of Governors of the facts of the case prior to imposition of the sanction and to have regard to the views of the Chair of Governors in making his/her determination.
- Parents will be contacted as soon as possible after the Head has decided that a pupil may be at risk of exclusion and invited to accompany the pupil to a meeting with the Head. If a parent is unable to attend because of, for example, travel or work commitments, the School will make

reasonable alternative arrangements to enable the parent to be involved, remotely if necessary, in this stage in the disciplinary process.

- The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved and will take into account any additional needs of the pupil.
- Due regard will be paid to any SEND the pupil may have and whether this may have contributed to the misconduct in question. Consideration will also be given to the School's obligations under the Equality Act 2010.
- If the Head considers that, as a consequence of discussion at the meeting, further investigation is needed, the meeting may be adjourned for that purpose. The reason for this adjournment will be explained to the pupil and his/her parents, as will be a proposal for reconvening.
- After consideration of all the evidence including the representations of the pupil and his/her parents, the Head will decide whether and to what extent to accept the investigator's findings and what sanction, if any, is appropriate.
- Subsequent to the confirmation by the Head of a decision to exclude a pupil, a number of further matters will be taken into consideration by the School, such as:
  - the form of announcement in the School
  - the content of any future reference which will be supplied by the School for the pupil
  - the entry which will be made on the School record and the pupil's status as a leaver
  - arrangements for transfer of any course and project work to the pupil, his or her parents or another school
  - whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations
  - whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil
  - whether the pupil will be entitled to leavers' privileges such as attendance at end-of-term or end-of-year events and membership of the alumni association
  - the conditions under which the pupil may re-enter school premises in the future
  - financial aspects such as payment by the parents of any outstanding fees and extras; whether the initial deposit will be returned or credited; the refunding of prepaid fees.
- If a pupil is excluded, his/her leaving status will be 'Excluded'.
- If the parents decide to withdraw the pupil prior to exclusions and if this option is accepted by the School, the pupil's status will be 'Withdrawn by the parents'.

## **Appendix 3: Review**

- The foundation offers to parents of any pupil who has been excluded or suspended for more than 5 days the right to have the Head's decision formally reviewed by a three-person panel according to Stage 3 of the Complaints Procedure laid out in the Complaints Policy. The panel will not include the Chair of Governors. For these purposes, references in the Complaints Policy to 'complaint' should be read as including a request for review of an exclusion decision and references to a 'Stage 2 decision' should be read as including a Head's decision to exclude a pupil.
- The request for a review must be received by the Head within 10 calendar days of the exclusion or suspension decision being notified to the parents.
- Pending such a review, the pupil shall remain excluded or suspended from the School.
- A Review Hearing is an internal procedure and all those involved in any way are required to keep its proceedings confidential, except to the extent permitted by law.
- Those present at the hearing will usually be:
  - members of the Review Panel and the Clerk to Governors
  - the Head and any relevant members of staff whose presence the Head considers necessary to secure a fair outcome for the pupil
  - the pupil together with his or her parents
  - the parents may be accompanied by a friend or relation whose name should be provided to the Clerk to the Governors seven days prior to the hearing. A Review Hearing is not a legal proceeding and legal representation is inappropriate. The parents should note that members of the Review Panel will wish to speak with them directly and that their friend will not be permitted to act as an advocate or address the meeting unless invited to do so by the Chair of the Review Panel.
- Should there be receipt of new information not previously available to the Head before his/her original decision was made, the Clerk to Governors will decide whether:
  - to include the new information in the bundle for consideration
  - to omit the information if not relevant to the grounds for review
  - to make further enquiries of the parents or the pupil about the information
  - to refer the information to the Head for his/her consideration as to whether the decision should be revisited.
- The outcome of the Review will be given to parents in writing.