

## EXCLUSION & REMOVAL OF PUPIL PROCEDURES

THIS POLICY INCLUDES THE EARLY YEARS FOUNDATION STAGE

<b>ISI Code:</b>	Exclusion and Removal of Pupils Policy
<b>Policy Author:</b>	Head of Pastoral Care & Wellbeing Grace Partridge
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<b>Next Review Date:</b>	July 2024

### 1. POLICY STATEMENT:

This statement contains guidelines explaining the circumstances under which a pupil may be permanently excluded, withdrawn or removed from the School, by reason of serious misconduct or other circumstances referred to below.

The policy applies to all pupils at the School but does not cover cases where a pupil has to leave because of ill-health, non-payment of fees or withdrawal by his/her parents.

### 2. DEFINITIONS:

**Exclusion** means a dismissal from the School which is formally recorded on the pupil's educational records.

**Head** means the Head of the School or, in his or her absence, the Deputy Head.

**Parent** or **Parents** includes one or both of the parents or a legal guardian.

**Removal** means that a pupil has been required to leave but without the stigma of Exclusion.

**Review** means a review by the Governing Body of the Head's decision to permanently exclude or remove a pupil from the School.

**Withdrawal** means the withdrawal of the pupil from the School at the request of the Head.

### 3. AIMS:

- To support the school's behaviour and discipline codes.
- To ensure procedural fairness and natural justice.
- To promote co-operation between the School and Parents when it is necessary for the school to require a pupil to leave earlier than expected.

## 4. CIRCUMSTANCES FOR EXCLUSION:

Examples of misconduct which may result in Exclusion include, but are not limited to, the following:

- Supply/possession/use of certain drugs and solvents (or their paraphernalia or substances intended to resemble them) and alcohol and tobacco products.
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying (including cyber-bullying).
- Misconduct of a sexual nature; distribution or possession of pornography or the incitement of others to access pornography by supplying website details.
- Possession or use of knives or other weapons.
- Vandalism or computer hacking.
- Tampering with any fire appliance or other safety device.
- Persistent attitudes or behaviour which is inconsistent with the School's codes of behaviour and/or ethos.
- Other serious misconduct towards a member of the School community or which brings the school into disrepute (single or repeated episodes) either on or off the school premises.

## 5. CIRCUMSTANCES FOR WITHDRAWAL OR REMOVAL:

There may be circumstances where the complaint or allegation against the pupil is upheld but does not warrant Exclusion. If, in the opinion of the Head, it is in the best interests of the pupil and/or the School that the pupil should not remain at the School, the Head may, after full consultation with the pupil and his/her Parents, ask the Parents to withdraw the pupil from the School and recommend an appropriate leaving status, as set out in this policy.

If the Parents refuse to withdraw the pupil from the School, the Head may require the Removal of the pupil from the School.

## 6. INVESTIGATION PROCEDURES:

### COMPLAINTS:

Complaints or allegations of serious misconduct will be referred initially to the Deputy Head who will carry out an investigation. The outcome of the investigation will be reported to the Head.

The pupil's Parents will be informed as soon as reasonably practicable that a complaint or allegation has been made about or against the pupil and that he/she may face disciplinary action.

The Chair of Governors will also be informed of the investigation.

### SUSPENSION:

A pupil may be suspended from school while a complaint or other evidence of serious misconduct is being investigated if it is considered by the school to be in the best interests of the pupil concerned and/or of other pupils. Alternatively, he/she may be placed under a segregated regime within the school premises.

### SEARCH:

In the course of its investigations, the school may, if it is considered reasonable and pertinent to do so, decide to search a pupil's locker and/or other possessions, and/or to require him/her to turn out the contents of pockets or a bag. Clothing may be searched if a pupil removes it voluntarily. No intimate search or physical compulsion of a pupil to remove clothing will be undertaken.

## INTERVIEW:

A pupil may be interviewed informally by a member of staff in order to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or allegation under this policy, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a Parent (if available at the time). A pupil awaiting such an interview may be segregated but will be kept under close supervision to ensure his/her welfare.

Where appropriate, the pupil may make a written statement in response to the complaint or allegation.

## ETHOS:

The investigation and any subsequent meetings will be conducted fairly and in a manner consistent with the ethos and values of the school, without formal legal procedures.

## DISCIPLINARY MEETING:

If the Deputy Head's report concludes that there is a case to answer, a disciplinary meeting will be convened within 14 days of the Head receiving the report.

## PREPARATION

Prior to the disciplinary meeting, the following documents will be provided to the Head and the pupil and his/her Parents:

- A statement or statements setting out the points of complaint and/or other evidence of serious misconduct
- The Deputy Head's investigation report
- Statements from members of staff and pupils collated as part of the investigation
- The pupil's conduct record on Engage
- The relevant school policies and procedures

## ATTENDANCE:

The pupil and his/her Parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and/or other evidence and of the investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her Parents will have the opportunity to state their side of the case.

## PROCEEDINGS:

There are potentially three distinct stages of a disciplinary meeting:

### 1. THE COMPLAINT AND/OR OTHER EVIDENCE:

The Head will consider the complaint/s and the other evidence, including statements made by and/or on behalf of the pupil.

If appropriate, the members of staff who prepared statements as part of the investigation will attend the meeting. The Head and the pupil and his/her Parents will have the opportunity to ask them questions.

Where pupils submit evidence, their anonymity will normally be preserved, and they will not be required to attend the disciplinary meeting.

### 2. THE DECISION

If the Head feels that he/she has all the necessary information and no further investigation is needed, he/she will decide whether the case has been sufficiently proved. The Head will normally

make his/her decision within 24 hours of the disciplinary meeting. The Head will confirm his/her decision and the reasons for it in writing within 3 days of the disciplinary meeting.

The Head will make his/her decision based on the balance of probabilities. If appropriate, the Head may take the pupil's disciplinary record into account.

The pupil shall stay away from the school premises following the disciplinary meeting pending the outcome of the head's decision and during any Review period.

### 3. THE SANCTION:

If the complaint has been proved the Head will outline the range of disciplinary sanctions which he/she considers are open to him/her. He/she will take into account any further statements or representations which the pupil and/or others present on his behalf may wish to make. The Head will confirm the sanction in writing.

## 7. LEAVING STATUS:

If the decision of the Head is that the pupil must leave the school, they will consult with the Parents before deciding the pupil's leaving status (see below).

If a pupil is permanently excluded or required to leave, his/her status will be one of the following:

- Permanently excluded
- removed or
- withdrawn by parents.

Additional points of leaving status include:

- The form of letter which will be written to the Parents and the form of announcement within the school that the pupil has left
- The form of reference which will be supplied 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/her Parents or another school
- Whether (if relevant) the pupil will be permitted to return to the school in order to sit public examinations
- Whether the School can offer assistance in finding an alternative placement for the pupil
- Whether the pupil will be entitled to leavers' privileges
- The conditions under which the pupil may re-enter school premises in the future
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

### TIME FRAMES:

In the case of Exclusion, the decision shall take effect immediately upon communication to the pupil and his/her Parents.

In the case of a Withdrawal or Removal, the time frame shall be a matter for mutual agreement between school and parents, but will normally be timed to coincide with the end of the term in which the decision for Withdrawal or Removal is made.

## FEES IN LIEU OF NOTICE:

In the case of Exclusion, there will be no refund of fees paid for the term in which Exclusion takes effect.

In the case of a Withdrawal or Removal, and where the decision is made for the pupil to leave the School earlier than the end of the term in question, a refund will be made for that part of the term for which the pupil will no longer be in attendance at the school as a result of the Withdrawal or Removal.

## 8. THE GOVERNING BODY REVIEW:

### REQUEST FOR REVIEW:

A pupil or his/her Parents may make a written application to the Governing Body to review the Head's decision to permanently exclude the pupil, ask for the pupil's withdrawal from the School or require the pupil's removal. The application must be made in writing to the Governing Body and be received by the Clerk to the Governing Body within 3 days of the decision being notified to the Parents.

### GROUNDINGS FOR REVIEW:

The application must clearly state the grounds on which the review is being requested and the outcome which is being sought.

### REVIEW PANEL:

The Review will be undertaken by a panel of three members. Selection of the Review Panel will be made by the Clerk to the Governing Body

Two of the Review Panel will be drawn from the Board of the Governing Body and one of whom will act as Chair. The third member of the Review Panel will be independent of the governance, management and running of the school.

The panel members will have no detailed previous knowledge of the case or of the pupil or his/her Parents and will not normally include the Chair of Governors.

The pupil and his/her Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the panel.

### REVIEW MEETING:

The Review Meeting will take place at the school premises, normally between 3 and 10 working days after the Parents' application has been received. A Review will not normally take place during the school holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, save as required by law.

### ATTENDANCE:

Those present at the Review Meeting will normally be:

Members of the Review Panel and the Clerk to the Governing Body or his/her deputy.

The Head and any relevant member of staff whom the pupil or his/her parents have asked should attend and/or whom the Head considers should attend in order to secure a fair outcome.

The pupil together with his/her Parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The Parents may be accompanied by a friend or relation. Legal representation will not usually be appropriate.

## CONDUCT OF THE MEETING:

The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will not be required to be made under oath.

The proceedings will not be tape-recorded without the consent of both the Chair and the Parents and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the school. The Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The written decision will serve as the formal minute of the meeting.

The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity to ask questions and make appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may, at his/her discretion, adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

## PROCEDURE:

The panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:

Whether the facts of the case were sufficiently proved when the decision was taken to permanently exclude or remove the pupil on the basis of the balance of probabilities.

Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate claims of the school's policy in that respect.

If for any reason the pupil or his/her Parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

## PUPIL'S CHARACTER:

Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so but will not be expected to express an opinion about the decision which is being reviewed.

## LEAVING STATUS:

If, having heard all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the panel, with the agreement of the Head, the pupil and his/her Parents to discuss the pupil's leaving status with a view to reaching agreement.

## DECISION:

The decision of the Review Panel will be final. It will be notified, with reasons, to the pupil and his/her Parents by the Chair of the Governing Body by letter or telephone within 3 days of the hearing.