



## Exclusion Policy

(Whole School Including EYFS)

<b>First Issued:</b>	September 1999	<b>Next Review:</b>	Autumn 2020
<b>Last Reviewed:</b>	Autumn 2018	<b>Version:</b>	2.0
<b>Responsible:</b>	Head / Deputy Heads		

## **Introduction**

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the School [whether or not in the care of the School] but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

References to the "*Head*" include Deputy Heads and Head of Section. "*Parent*" includes one or both of the parents, a legal guardian or education guardian. "*Expulsion*" means a dismissal from the School in disgrace, formally recorded. "*Removal*" means that a pupil has been required to leave, but without the stigma of expulsion.

## **Policy statement**

*Aims:* The aims of this policy are:

- To support the School's Behaviour Policy.
- To ensure procedural fairness and natural justice.
- To promote co-operation between the School and parents when it is necessary for the School that a pupil leave earlier than expected.

*Misconduct:* The main categories of misconduct which may result in expulsion or removal are:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying
- Misconduct of a sexual nature; supply and possession of pornography
- Possession or use of unauthorised firearms or any other weapons
- Vandalism and computer hacking
- Persistent attitudes or behaviour which are inconsistent with the School's ethos
- Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises

*Other Circumstances:* A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the School.

## **Investigation procedure**

*Complaints:* An investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head or Head of Section, and its outcome will be reported to the Head. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being expelled or required to leave.

*Fixed term Exclusion:* A pupil may be suspended internally or externally from the School while a complaint is being investigated.

*Search:* We may decide to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. This will always be

in the presence of a witness. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police would be called.

*Ethos:* An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

*Proceedings:* There are potentially three distinct stages of a disciplinary meeting:

*The complaints* - the Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, the Head will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. the *balance of probabilities*. However, where the allegation against the pupil would amount to a criminal offence under general law, the standard of proof should be *beyond reasonable doubt*. Appropriate reliance may be placed on hearsay evidence but the Head will not normally refer to the pupil's disciplinary record at this stage.

*The sanction* - if the complaint has been proved the Head will outline the range of available disciplinary sanctions which the Head considers are open to them. The Head will take into account any further statement which the pupil and/or others present, on their behalf, wish to make. The pupil's disciplinary record will be taken into account. Within a reasonable time scale, normally within 24 hours, the Head will give the decision, with reasons.

*Leaving status* - if the Head decides that the pupil must leave the School. The Chair of the Board of Governors will be consulted.

### **Governors' review**

*Request for Review:* A pupil or his/her parents, aggrieved by the Head's decision to expel or require a pupil to leave, might make a written application for a Governors' Review. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to a parent, or longer by agreement.

*Grounds for Review:* In their application, the parents must state the grounds on which they are asking for a review and the outcome which they seek.

*Review Panel:* The Review will be undertaken by a three member sub-committee of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. 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 meeting will take place at the school premises, normally between 3 and 10 days after the parents' application has been received. A Review will not normally take place during school holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

*Attendance:* Those present at the Review Meeting will normally be:

- Members of the Review Panel and the Clerk to the Governors or his/her deputy.
- The Head and any relevant member of staff whom the pupil or his/her parents have asked should attend and 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. The Clerk to the Governors must be given 7 days notice if the friend or relation is legally qualified.

*Conduct of Meeting:* The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The proceedings will not be recorded without the consent of both the Chair and a parent and any 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 meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making 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 expel or remove the pupil. The civil standard of proof, namely, "*the balance of probability*" will normally apply except where the case involves an allegation of a criminal offence in which case the standard of proof will be "*beyond reasonable doubt*"
- 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 aims of the School's policy in that respect. The requirements of natural justice will apply. 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

*Identification:* If the Head considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair at their discretion might direct that the person be identified, or not as the case may be.

*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.

*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 agreement of the Head, the pupil and his/her parents to discuss and reach agreement on the pupil's leaving status.

*Decision:* When the Chair decides that all issues have been sufficiently discussed without reaching consensus, they may adjourn the meeting; alternatively the Chair may ask those present to

withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. The parents will be notified of this, with reasons by the Chair of the Review Panel or the Chair of Governors in writing within three days of the meeting.