



# Exclusion Policy



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## **Introduction**

### **Scope**

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be temporarily or permanently excluded from the school for misconduct or other reasons. The policy applies to all pupils at the school but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

### **Interpretation**

In this policy references to the Head refers to the Head of School. Head of Prep or Pre-Prep will be stated if different. "Parent" includes one or both of the parents, a legal guardian or education guardian.

Internal suspension means a temporary exclusion from class.

- Internal suspension is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but it does not yet warrant an external suspension. Parents will be invited into school to discuss this with the Assistant Head Pastoral and work together on steps forward to prevent the child's behaviour escalating.
- Internal suspension is limited to a certain number of days in school, a specific event, extended free time (e.g. a series of breaks or lunchtimes), a school visit, a match or performance. Where pupils are not allowed to attend lessons or break time activities they will be supervised by a member of staff.
- A restorative informal conversation at break or lunchtime, or at the end of lessons does not constitute an internal suspension therefore may not warrant a parent being informed.

External suspension means a temporary exclusion from school.

- An external suspension is when a child is temporarily suspended from school and must remain at home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.
- Parents will have a meeting with the Head and have the suspension formalised by a letter.

Removal means a permanent exclusion where, following consultation, parents are required to remove a pupil from the school where a pupil has been found to have committed serious or persistent misconduct, or, if parent misconduct leads to an irreparable relationship between the school and home.

Exclusion means a permanent exclusion where a pupil is immediately dismissed from the school following grave misconduct or criminal offence.

- A permanent exclusion is when a child is permanently excluded from school and not allowed to return. The Head has the authority to permanently exclude pupils from school. This may include where the Head decides to exclude a pupil, or to require them to be withdrawn in the event that other disciplinary measures, including suspension, prove to be ineffective.

When judging whether to suspend a pupil for a fixed period or exclude a pupil permanently the Head will take into account all of the circumstances of the case. This includes the nature and seriousness of the offence and its impact on others within the school community as well as the extent of disregard for the school values. Some of the most serious behaviour, including criminal behaviour, may require the School to report pupils to the police.

### **School policies**

The following school policies, procedures and resource materials are relevant to this policy:

- Parent terms and conditions;
- Positive Relationships and Behaviour policy;
- IT Equipment and Service Delivery policy;

- Anti-Bullying policy;
- policies on smoking, alcohol, drugs and substances;
- Safeguarding and Child Protection policy and procedures;
- Admissions policy.

## **Policy statement**

### **Aims**

The aims of this policy are:

- to support the school's Positive Relationships and 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 for a pupil to leave earlier than expected.

### **Actionable Misconduct**

Misconduct which may result in suspension or exclusion are as follows:

- Physical violence, public fighting or poor behaviour on or off site
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying including bullying online and bullying of a homophobic, transphobic, biphobic, gender related, religious or racist nature
- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco, or the possession of illegal drugs on or off site.
- Disrespect shown to a member of staff or public
- Posting inappropriate material on social media or other online platforms
- Computer misuse e.g. hacking, misuse of email, iPad, mobile phone or other devices, accessing of inappropriate online sites, breaking school acceptable use contract
- Misconduct of a sexual nature; supply and possession of pornography , including downloading or distribution of pornography online
- Vandalism (e.g. writing on walls, damaging school property)
- Stealing
- Escalation of multiple low-level sanctions
- Possession or use of unauthorised firearms or other weapons
- Persistent attitudes or behaviour, including those displayed online, which are inconsistent with the school's ethos
- Making of serious malicious allegations against staff
- Other serious misconduct which affects the welfare of a member or members of the school community or which brings the school into disrepute (single or repeated episodes) on or off school premises.
- Extreme misconduct by a parent on site or off site that leads to an irreparable breakdown in communication between home and school and/ or puts other members of the school community at risk

This is not an exhaustive list and other categories of serious or persistent misconduct may also result in suspension, exclusion or removal. Misconduct that takes place off site and out of school uniform will still be considered actionable by the School.

### **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 they remain at the school.

## **Investigation procedure**

### **Complaints and allegations**

Investigation of a complaint/ allegation or rumour about serious misconduct will normally be co-ordinated by the Deputy Head or other appropriate senior colleague (provided they are independent of the complaint) 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 temporarily or permanently excluded. The Designated Safeguarding Lead will seek advice from appropriate external agencies and follow the appropriate procedures in the safeguarding policy.

### **Attendance at school**

The school reserves the right to require a pupil to remain away from school as a neutral act during an investigation procedure. Alternatively, the pupil may be placed in internal suspension on the school site, meaning they will be present in school but will work away from their usual class. Appropriate school work will be provided during this period and the pupil will be supervised by a member of staff during this period.

### **Search**

If it is necessary to search a pupil or his or her belongings the school will follow section 9 of the Positive Relationships and Behaviour policy. This is available on request.

### **Interview**

A pupil will be interviewed by a staff member. Wherever possible another adult will be present. A pupil who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet and adequate food and drink.

### **Serious misconduct off school site**

Where there has been serious or alleged serious misconduct from one or more pupils away from the school premises, the school will liaise with and seek advice from external agencies such as the police and children's services where appropriate. The school will take all reports very seriously. Where an external agency is investigating or handling an incident of serious misconduct which has occurred, the school will take advice from that agency as to whether it is possible or appropriate for the pupil to attend school whilst investigations are ongoing on a case by case basis, in accordance with the school's Safeguarding policy. The school will keep the external agency updated as to the outcome of the investigation and any sanction imposed as requested.

### **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.

## **Disciplinary meeting before the Head – permanent exclusion**

### **Preparation**

The chair of governors will be informed of the investigation where appropriate. Documents available at the disciplinary meeting before the head are likely to include:

- a statement setting out the points of complaint against the pupil;
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence;
- the investigation report (if applicable);
- the pupil's school file and conduct record;
- the relevant school policies and procedures.

### **Attendance**

The pupil and the pupil's parents will be asked to attend the disciplinary meeting with the Head at which the Deputy Head or other appropriate senior colleague such as the Assistant Head Pastoral/DSL, will explain the circumstances of the complaint and their investigation. The pupil may attend the meeting at a point to be decided by the Head – typically after the parents have discussed the situation with the Head and other relevant staff. In all cases, the pupil and their parents will have an opportunity to state their pupil's side of the case before any decision is made. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of other pupils will be preserved.

### **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, they 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. 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 disciplinary sanctions which they consider are open to them. They 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. Then, or at some later time, normally within 24 hours, the Head will give the decision in writing via email or otherwise, with reasons.
- Leaving status – If the Head decides that the pupil must leave the school, they will consult with a parent before deciding on the pupil's leaving status (see below).

### **Delayed effect**

A decision to permanently exclude a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within seven days the parents have made a written application for a review by the governors, the pupil shall remain suspended until the review has taken place.

### **Leaving status**

#### **Explanation**

If a pupil is expelled or required to leave, their leaving status will be one of the following: "excluded", "removed" or "withdrawn by parents".

#### **Detail**

Additional points of leaving status may include some or all the following:

- the form of letter which will be written to the parents and the form of announcement in 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 school premises to sit public examinations;
- whether (if relevant) the school can offer assistance in finding an alternative placement for the pupil;
- 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; the refund of any prepaid fees.

## **Governors' Review**

### **Request for review**

Parents may request a governors' review of the Head's decision to permanently exclude or suspend a pupil if the suspension is for 11 school days or more or would prevent the pupil from taking a public examination, by making a written application to the Clerk to the Governors within seven days of the decision being notified to a parent.

### **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. If a pupil is voluntarily withdrawn by parents during or following the investigation process there are no grounds for a governors' review of the Head's decision.

### **Review panel**

The review panel shall consist of the governor nominated by the governing body to chair the panel, or an alternative governor appointed by the nominated governor if they are unable to act, one further governor and a person independent of the school, in both the latter cases selected by the Clerk to the Governors. The review panel members will have no detailed previous knowledge of the issues or of the pupil or parents and will not include the chair of governors. Parents requesting the review will be entitled to know the names of the members of the review panel in advance.

### **Role of the panel**

The role of the review panel is to consider the representations made as outlined below in clause 6.8 and to make recommendations to the Head accordingly.

### **Review meeting**

The meeting will take place at the school premises or virtually if agreed between the parties, as soon as reasonably practicable and on a date as reasonably convenient to those involved in the review as can be arranged. If necessary, the chair of the review panel will hold a preliminary meeting to give directions as to the further conduct of the review. 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 any legal and regulatory requirements to disclose.

### **Attendance**

Those present at the review meeting will normally be:

- members of the review panel and the Clerk to the Governors or their deputy.
- the Head and any relevant member of staff whom the pupil or their parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.
- the pupil's parents. The parents may be accompanied by a friend or relation and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified.
- The pupil may be present for part of the meeting by advance agreement with the Clerk to the Governors.

### **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. Parents and the school will be entitled to call any witnesses relevant to the complaint subject to the case management control of the chair. The Clerk to the Governors will be asked to arrange for minutes to be taken of the main points which arise at the meeting. The chair may direct that a recording be taken of the proceedings. 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 their discretion adjourn or terminate the meeting on the basis of the conduct of the parties. If the meeting is terminated, the original decision will stand.



### **Procedure**

The review panel will consider each of the questions raised by the pupil's parents or the pupil to determine:

- whether the facts of the case were sufficiently proved when the decision was taken to the pupil;
- 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.

If for any reason the pupil's parents or the pupil are dissatisfied with any aspect of the meeting they must inform the chair at the time and ask the Clerk to the Governors 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 review panel members. The chair at their discretion may 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 review panel is minded to recommend that the Head's earlier decision should be confirmed, it is open to the review panel, with the agreement of the Head, the pupil and their parents to discuss the pupil's leaving status with a view to reaching agreement.

### **Decision**

When the chair decides that all issues have been discussed sufficiently and if by then there is no consensus, they may adjourn the meeting; alternatively the chair may ask those present to withdraw while the review panel considers its recommendations. The review panel's recommendations will be notified in writing with reasons, to the Head, the parents and the pupil by e-mail or otherwise by the chair of the review panel or the Clerk to the Governors within three working days of the meeting. The decision of the review panel shall be final.

### **Record**

A record shall be maintained by the school of the review, the documents relating to the proceedings, and the findings of the review panel. The record shall be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, as amended, requests access to them. The recommendations and findings of the review panel shall be made available to the chairman of the governors, and if they think it desirable shall be made available to governors.

### **Fees**

For fees after expulsion please see the parent contract terms and conditions.

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