

Exclusion, Removal & Review Policy

Including our Early Years Foundation Stage provision

Authorised by	resolution of the Board of Governors
Date	Autumn 2010
Reviewed	Autumn 2014
	Autumn 2016 (1-0-0)
	January 2018 (1-1-0)
	May 2019 (1-2-0)
	September 2019 (1-2-1)
	Autumn 2021 (1-2-2)
	Autumn 2022 (1-2-3)
	Autumn 2023 (1-3-0)

INTRODUCTION

At St Gabriel's ("the School") our community is based upon respect for all. The School aims to encourage pupils to adopt the highest standards of behaviour, principles and moral standards and to respect the ethos of the school. We encourage the establishment of good teacher/ pupil relationships and support for the School's values through a system of rewards and sanctions which are designed to promote a calm, disciplined learning environment. Our system of rewards includes:

- verbal praise and written praise for good work;
- house points for both effort and achievement, which are celebrated in the classroom, tutor group and whole school.
- annual subject and year group prizes;
- Highlighting pupil effort and excellent in extra-curricular areas such as sport, art, drama and music.
- reports to parents

The School's Behaviour Policy contains full details of the School's reward system. This policy should also be read in conjunction with the

- Anti-Bullying Policy
- Behaviour Policy
- Substance Use and Misuse Policy

- ICT Acceptable Use,
- Complaints Policy.

This Policy is available on the School's website and also on request from the School Office.

SANCTIONS

When misbehaviour is identified, sanctions are implemented in line with the School's Behaviour Policy. The vast majority of less serious disciplinary offences committed by pupils at the School can be dealt with using the Behaviour Policy, which should be read in conjunction with this policy. The policy contains details of the sanctions available and how they should be applied. The Behaviour policy details how the school may require a pupil to spend time in school or at home reflecting on misbehaviour.

The further sanctions detailed in this policy are applicable for more serious indiscipline or where repeated lesser sanctions have proved ineffective for repeated less serious offences.

Breaches of discipline outside of the school grounds

The School takes the conduct of its pupils outside of school grounds extremely seriously. A pupil's misbehaviour outside of school can be damaging to the reputation of both the pupil and the School, and the School may discipline pupils for misbehaviour outside of school premises, in accordance with the provisions of its Behaviour Policy, to the extent that it is reasonable to do so. Where a serious incident is reported to the School of a pupil's poor behaviour outside of the school grounds, the School will follow the investigation procedure set out in this policy. In any event, whether the misbehaviour is a serious or minor incident, the School will take an evidence-based approach and may talk to witnesses before identifying further action and any sanctions required for such behaviour.

This may apply in the following circumstances:

- Misbehaviour when the pupil is:
 - taking part in any activity organised by the School, or related to the School;
 - travelling to and from school;
 - wearing school uniform; or
 - in some other way identifiable as a pupil of the School.
- Misbehaviour at any time, whether or not the conditions above apply, that:
 - could have repercussions for the orderly running of the School;
 - poses a threat to another pupil or member of the public; or
 - could adversely affect the reputation of the School.

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media).

In all cases, the member of staff may only discipline the pupil when on school property (or elsewhere, where the pupil is under the supervision of that member of staff).

The School will usually report to the police any activity which it believes may amount to a criminal activity which takes place either within the school grounds or outside of its grounds. Suspected drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the School believes a pupil may have taken drugs then the School will seek immediate medical advice and may involve the police.

Alleged sexual offences will generally be reported to the police immediately.

Other agencies, for example Children's Social Care, may also be notified where necessary and appropriate to the facts of the case.

Any decision to sanction a pupil will be made on the school premises or elsewhere at a time when the pupil is under the control or charge of a member of school staff

Breaches of School Rules by pupils which merit exclusion

The following is a non-exhaustive list of the type of misbehaviour (including behaviour or conduct outside of school) which may result in exclusion (either fixed term or permanent) or a requirement for parents or guardians to withdraw their child from the School.

- behaviour which puts the safety of the pupil, or any other person, in jeopardy
- physical assault against pupils or staff
- fighting
- intimidation, verbal abuse or threatening behaviour or blackmail,
- committing a criminal offence.
- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco (including e cigarettes and vaping equipment)
- sexual harassment or misconduct, including youth-produced sexual imagery, supply and possession of pornography
- bringing illegal, inappropriate or dangerous items into School, such as: drugs, weapons, firearms, pornographic material etc;
- misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the School community
- possession or use of unauthorised firearms and other weapons

- vandalism or wilful damage to property and computer hacking
- bullying (including cyber-bullying), in accordance with the School's Anti-Bullying Policy
- any form of abuse or unlawful discrimination on the grounds of race, religion/ belief, disability, special education needs, sexual orientation (etc.)

- theft or unauthorised possession of any property belonging to the School, another pupil, or a member of staff;
- persistent disruptive behaviour or serious breaches of the School's Behaviour Policy or School Rules; or
- other serious misconduct (on or off the School premises) which actually, or potentially, or indirectly, brings the School into disrepute or damages its reputation.

This is not an exhaustive list and a pupil may be required to leave if, after all appropriate consultation, the Principal is satisfied that it is not in the best interests of the pupil or of the School that they remain at the School.

In the event that a pupil's behaviour is sufficiently serious or persistent, it may be necessary to exclude a pupil from the School. That exclusion may be temporary (i.e. suspension) or permanent (i.e. expulsion).

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil in circumstances where the Principal considers in their discretion that the behaviour or conduct of a parent (or both parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) their child's or other children's progress at the School, or the wellbeing of School staff; and/or brings (or is likely to bring) the School into disrepute; and/or is not in accordance with their obligations under the Parent Contract. A non-exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds of unacceptable parental behaviour or conduct includes the following:

- treating the School or a member of staff unreasonably;
- making a malicious allegation about a member of staff or the School;
- communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive;
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community; and
- breaching the School's Terms and Conditions (Parent Contract) or bringing the School into disrepute by things said or done.
- A breakdown of trust between the School and the pupil. This may manifest itself in a number of ways, including:
 - persistent misconduct such as unauthorised absence from school;
 - when a pupil has brought a malicious or unjustified allegation against a member of staff and where there are reasonable grounds that this may happen again in the future;
 - Other circumstances where the Principal (after appropriate consultation) is satisfied that it is not in the best interests of the pupil, or of the School, that the child remains at the School.

The School reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to School / School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil in circumstances where the Principal considers in their discretion that the pupil's attendance or progress at the School is unsatisfactory and, in the reasonable opinion of the Principal, the removal of the pupil is in the School's best interests and/or those of the pupil or other children.

Please note that exclusion / required removal may also be imposed by the School as a sanction for a series of minor misdemeanours.

Special educational needs

In applying sanctions, especially those with serious consequences, we undertake to take reasonable steps to avoid placing pupils with special education needs and disabilities (SEND) or a particular vulnerability at a particular disadvantage compared to other pupils, in accordance with the School's obligations under the Equality Act 2010.

Where there is misbehaviour by a pupil with SEND, the School will consider whether a pupil's SEND has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the pupil, and the appropriate sanction to be applied. It does not follow that every incident of misbehaviour will be connected to a pupil's SEND. For further information on this please see the School's Behaviour Policy.

Contextual safeguarding

The School will consider whether any misbehaviour gives cause to suspect that a pupil is suffering, or is likely to suffer, harm. Where this may be the case, school staff will follow the School's Child Protection and Safeguarding Policy and consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

The School will also consider whether any disruptive behaviour might be the result of unmet educational needs, or any other needs, and will discuss concerns with the pupil's parents accordingly.

FIXED TERM EXCLUSION (SUSPENSION)

A pupil may be excluded from the School and required to stay at home with for a period of time defined by the school. The Vice-Principal will co-ordinate arrangements to provide work for a temporarily excluded pupil to complete. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively and at the discretion of the school, the pupil may be placed under a segregated regime on school premises.

If suspension proves ineffective, or the misbehaviour is serious, the School may be required to exclude the pupil, or to require the pupil to be withdrawn in accordance with this policy.

PERMANENT EXCLUSION

A permanent exclusion may also be imposed by the School as a sanction for serious behaviour as detailed above or for a series of other misdemeanours.

INVESTIGATORY PROCEDURES

All misbehaviour or disciplinary incidents will be dealt with by the School, as soon as it is possible to do so.

The Principal for their part undertakes to apply any sanctions fairly, and where appropriate, after due investigative action has taken place (such investigation to be carried out by the Principal's nominee). In the event of an incident of serious misbehaviour, an investigation may be carried out to establish the facts. An

investigation of a complaint or allegation about serious misbehaviour will normally be coordinated by the Vice-Principal or an appropriate member of senior staff. Any findings of fact will be made on the basis of whether it is more likely than not to have (or have not) occurred, i.e. the balance of probabilities. Parents will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded for either fixed term or permanently.

The school reserves the right to require the pupil to remain away from school as a neutral act during an investigation procedure. Alternatively, the pupil may be placed under a segregated regime on school premises.

In these circumstances, the pupil will always be given the opportunity to give their account of events and to put forward any mitigating factors. The pupils and staff involved may also be asked to prepare written statements as soon as possible after the incident has taken place. As part of the investigation the pupil may also be interviewed informally by a member of staff to establish whether there are grounds for the reported complaint and/or a formal investigation. The School is not required to inform the parents that an informal meeting is to take place but will arrange for a member of staff to be present to support the pupil. A pupil who is waiting to be interviewed may be segregated and the School may confiscate a pupil's mobile phone or other personal belongings (as appropriate) for such a period as it is deemed necessary.

The findings of the investigation are presented to the Principal for consultation and consideration.

Search, Screening and Confiscation

The school will follow the advice of the DfE document *Searching, screening and confiscation Advice for headteachers, school staff and governing bodies 2022*, should any of these actions become necessary to prevent a serious offence or during the investigation of a serious offence.

This gives the Principal and staff authorised by them a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. This can include

- knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images and
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil). The Principal and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

A second adult witness will be present, 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.

Staff may confiscate any prohibited item found as a result of a search.

The school will follow the advice given in the DfE document for dealing with electronic devices.

The advice does not require the school to inform parents before a search takes place, but we will inform the parents if alcohol, illegal drugs or other prohibited items are found.

Reports to the Police (and others)

The School will usually report to the Police any activity which it reasonably suspects may amount to criminal activity which takes place either within the School grounds or outside of its grounds. Possessions or items

including (but not limited to) drugs, weapons or phones may be confiscated immediately and held for the Police as potential evidence.

If the School reasonably suspects a pupil may have taken drugs then the School will seek immediate medical advice and may involve the Police, where necessary.

Sexual offences will generally be reported to the Police immediately, including in cases where a pupil is suspected or alleged to have committed such an offence. The alleged victim's parents will usually also be informed immediately of the incident and told that the Police have been informed. The School will also apply the terms of its Child Protection (Safeguarding) Policy to ensure there is sufficient support in place for the pupils involved.

Other agencies may also be notified where necessary and appropriate to the facts of the case.

Suspension of an investigation

It may be necessary to suspend an investigation, for example, where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

DISCIPLINARY MEETING

A formal disciplinary meeting is necessary where the investigation has identified a case for the pupil to answer for which expulsion is a possible outcome, and/or the pupil has been suspended pending the outcome of the disciplinary process.

Preparation for the meeting

The Principal will convene a meeting to consider the matter and will invite the pupil and his/her parents to attend the meeting or (in circumstances involving the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour) the parents. The Chair of Governors will also be informed of the investigation and that a disciplinary meeting is to be held but shall not take part in either of them. Prior to the meeting, certain documents will be made available to pupils and parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the points of complaint;
- written witness statements;
- notes of the evidence in support of the complaint;
- the relevant school policies and procedures; and
- the investigation report.

Any such documents may be redacted or a summary provided for reasons of confidentiality and/or data protection. Any written submission provided by, or on behalf of the pupil must arrive at the Principal's office no later than the working day before the disciplinary meeting.

The pupil should be in attendance throughout the disciplinary meeting and may be accompanied to the meeting by a member of staff of their choice. The pupil's parents may similarly be accompanied, should they wish. Legal representation is not appropriate and is not permitted. The Principal should be informed of all attendees at least 24 hours before the disciplinary meeting.

Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Principal. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil/s involved, taking into account any additional needs of the pupil/s in all circumstances.

Notes will be taken by the School during the disciplinary meeting.

The pupil will have an opportunity to provide their account of the circumstances surrounding the incident and both the pupil and his/her parents will be able to ask questions. The pupil/parents will also be able to address the Principal on the issue of sanctions.

If the Principal considers that further investigation is needed, the disciplinary meeting may be adjourned, and the reason for this adjournment will be explained to the pupil. If an adjournment is not necessary, the Principal will make a decision after the meeting. The Head will give a written decision about the incident and the appropriate sanction, together with reasons for those decisions, as soon as reasonably practicable, and in any case within five working days from the meeting.

If the Principal considers that exclusion may be the appropriate sanction, the pupil's previous disciplinary history may be considered, and/or any other favourable or unfavourable conduct known to the School when reaching a decision in respect of the pupil.

Leaving status

If the Principal decides that a pupil should leave the School, the pupil's parents will be consulted to determine the appropriate leaving status for that pupil (i.e. permanent exclusion, required removal or voluntary withdrawal by the parents). If the decision is made by the parents to voluntarily withdraw the pupil, there will be no right to appeal.

Additional points of leaving status include:

- The form of letter which will be written to the parents and the form of announcement to 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;
- Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of pre-paid fees.

Pupils who have permanently left the School, irrespective of leaving status, are not permitted to re-enter School premises without prior consent from the School.

Pupils who have permanently left the School may not be permitted to sit public examinations at the School, irrespective of the timing of the offence(s). The School may make arrangements for the transfer of any course and project work to either the leaving pupil, the parents or to another school.

APPEAL HEARING

The School offers the right of appeal to parents or guardians of any pupil that has been permanently excluded or is otherwise required to leave the School other than where the pupil is withdrawn by the parents. Appeals will be dealt with by way of a Governors' review hearing. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction).

Pending such appeal, the pupil shall remain suspended from the School.

Request for review

Upon notification of the Principal's decision to exclude or require a pupil to leave the School, a pupil or their parents, may make a written application for a Governor's review hearing. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to the parents and must clearly set out the grounds on which they are asking for a review and the outcome that they seek.

Review Hearing

The review will be undertaken by at least three governors. They will have no detailed prior knowledge of the case, or of the pupil or parents. Parents will be notified in advance of the names of the members making up the review hearing.

The meeting will take place at the School premises unless notified otherwise, normally between 3 and 10 days after a request for appeal has been received, during term time. A review meeting is an internal procedure and all those involved, or who are concerned in the procedure, are required to keep its proceedings confidential. Those present at the hearing will usually be:

- members of the review hearing and the Clerk to the Governors
- the Principal and any relevant members of staff whose presence the Principal considers to be necessary to secure a fair outcome for the pupil; and
- the pupil together with his/her parents and, if they wish, the parents may be accompanied by a friend or relation who is not legally qualified.

Conduct of the review hearing

The review hearing will be chaired by one member. As with the disciplinary meeting, the hearing will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

The Clerk to the Governors will be asked to take minutes of the hearing.

The Chair of the review hearing will ensure that all those present have the opportunity to ask questions and make appropriate comment.

The Chair may at his/her discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the disciplinary meeting will stand.

Decision

When the Chair of the review decides that all issues have been sufficiently discussed they may ask those present to withdraw while the Panel considers its decision. This decision will either

- uphold the decision of the Principal and, if minded to do so, with agreement of the Principal, discuss the pupil's leaving status (i.e. permanent exclusion, required removal, or withdrawal) with a view to reaching an agreement
- recommend the decision of the Principal to be reviewed and, if minded to do so, require the Principal to review the decision including recommending an alternative sanction.

The Panel's recommendations will be notified in writing to the Principal and the parents by the Chairman of the Review Panel or the Chair of Governors within three working days of the meeting. The Principal will provide his response to those recommendations in writing within 24 hours. In the absence of a significant procedural irregularity, the decision of the Principal will then be final.

RECORD KEEPING & CONFIDENTIALITY

All those participating in the application of this policy including parents and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.

Where the sanction imposed is exclusion, required removal, or suspension, the written report on the investigation will be placed on the pupil's file. Details of the exclusion, required removal or suspension will be recorded on the School's Serious Sanctions Log.

Change History Date	Details
January 2018	Further details of Permanent and Temporary Exclusion added
May 2019	Further examples of misbehaviour added, discipline outside school grounds added. Appendix 1 (not legally qualified) added to friend or relation that may accompany the parents.
September 2019 (1-2-1)	Searching, screening and confiscation Advice for headteachers, school staff and governing bodies January 2018 details added.
September 2021(1-2-2)	Appendix 1 added Time for reflection added
October 2022 (1-2-3)	Misbehaviour amended to include vaping, and to correspond with behaviour policy that specifies behaviour out of school and online
Autumn 2023 (1-3-0)	Legislation references updated Written decision from exclusion meeting to be made with 5 working days of meeting.

Appendix 1

Request for a Governors' Review of a decision to permanently exclude or require a pupil to leave

To The Clerk to the Governors of St Gabriels
 Sandford Priory
 Newbury
 Berkshire RG20 9BD

01635 555680

Name of Pupil _____

I request that a sub-committee ("Panel") of the Board of Governors carries out a review of the Principal's decision to permanently exclude or require removal of the above named pupil. I agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Governors' Review will be final, subject to such (if any) legal rights as may exist.

I confirm that I am a person with parental responsibility for the above named pupil and that I have consulted the pupil who wishes to Review to be undertaken.

I understand that the Panel will be concerned with the fairness and proportionality of the Principal's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

We understand that we may be accompanied at the Review Meeting by a friend or relation(who is not legally qualified) and that we may ask up to two members of the School staff to attend the meeting and speak on behalf of the pupil if they are willing to do so.

The grounds upon which we seek a Review and the matters which we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required, where practicable)

Signed	Signed
Full Name	Full Name
Relationship to Pupil	Relationship to Pupil
Date	Date
Address	Address

ST GABRIEL'S

NEWBURY

Daytime Telephone	Daytime Telephone
Evening Telephone	Evening Telephone