

Including Sandford, our Early Years Foundation Stage provision

Exclusion, Removal & Review Policy

Authorised by	resolution of the Board of Governors
Date	Autumn 2010
Reviewed	Autumn 2014
	Autumn 2016 (1-0-0)
	January 2018 (1-1-0)

1. Introduction

- 1.1 **Scope:** This policy contains guidelines which will be adapted as necessary, explaining the circumstances under which a pupil may be temporarily excluded from St Gabriel's ("the School"), or required to leave permanently (permanent exclusion) 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 her/his parents.
- 1.2 **Interpretation:** References to the Principal include Vice-Principal. "Parent" includes one or both of the parents, a legal guardian or education guardian. "Permanent Exclusion" means dismissal from the School in disgrace, formally recorded. "Temporary Exclusion" is as defined in section 3.4. "Removal" means that a pupil has been required to leave, but without the stigma of permanent exclusion. Subheadings are for ease of reading and not part of the policy.

2. Policy Statement

- 2.1 **Aims:** the aims of the policy are:
1. to support the School's behaviour and discipline code
 2. to ensure procedural fairness and natural justice
 3. to promote cooperation between the School and parents when it is necessary for the School that a pupil leaves earlier than expected
- 2.2 **Misconduct:** the main categories of misconduct which may result in exclusion 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 and 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

Including Sandlesford, our Early Years Foundation Stage provision

2.3 **Other circumstances:** 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 he/she remains at the School.

3. Investigation Procedure

3.1 **Stages:** The investigation and disciplinary action may potentially involve three separate stages of internal investigation, disciplinary meeting or Governors' review meeting.

3.2 **Informal meeting:** The Principal may request to meet Parents informally with or without the pupil in a discussion before the formal disciplinary or review meetings take place. Matters may be resolved at this stage.

3.3 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Vice-Principal. 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 excluded or required to leave.

3.4 **Suspension (Temporary Exclusion):** 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.

3.5 **Search:** We may seek consent to search a pupil's personal belongings, and School property space, if we consider there is reasonable cause to do so. If consent is refused, School property may still be searched. 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.

3.6 **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and by a parent or guardian. 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. A minute of the interview will be recorded in writing by the interviewing member of staff.

3.7 **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.

3.8 **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.

4. Disciplinary Meeting

4.1 **Preparation:** The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Principal will include:

- A statement setting out the points of the complaint against the pupil;

Including Sandford, our Early Years Foundation Stage provision

- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence;
- The Vice-Principal's Investigation Report;
- The pupil's school file and conduct record;
- The relevant school policies and procedures.

4.2 **Attendance:** The pupil and his/her parents will be asked to attend the disciplinary meeting with the Principal at which the Vice-Principal will explain the circumstances of the complaint. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her parents will have an opportunity to state their side of the case. 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 pupils will be preserved.

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

4.3.1 **The complaints:** The Principal will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Principal considers that further investigation is needed, he 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 Principal will not normally refer to the pupil's disciplinary record at this stage.

4.3.2 **The sanction:** If the complaint has been proved, the Principal will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which the pupil and/or others present on his 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 Principal will give his decision, with reasons.

4.3.3 **Leaving status:** If the Principal decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

4.4 **Delayed effect.** A decision to permanently exclude or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain temporarily excluded and away from school premises. If, within 7 days, the parents have made a written application for a Review by the Governors, the pupil shall remain temporarily excluded until the Review has taken place.

5. Leaving Status

5.1 **Explanation:** If a pupil is permanently excluded or required to leave, his/her leaving status will be one of the following: "permanently excluded", "removed" or "withdrawn by parents".

5.2 **Detail:** 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;
- 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;

Including Sandlesford, our Early Years Foundation Stage provision

- 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 pre-paid fees.

6. Governors' Review

- 6.1 **Request for Review:** A pupil or his/her parents, aggrieved at the Principal's decision to permanently exclude or require a pupil to leave, may make a written application for a Governors' review. The application must be received by the Clerk to the Governors within 7 days of the decision being notified to a parent, or longer by agreement.
- 6.2 **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.
- 6.3 **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.
- 6.4 **Role of the Panel:** The role of the Panel is to consider the representations made as outlined below in paragraph 6.8 and to make recommendations to the Principal accordingly. It is not within the powers of the Panel to reinstate a pupil's place at the school against the wishes of the Principal. The Panel may either uphold the Head's decision or refer the decision back to the Principal with recommendations so that the Principal may consider the matter further.
- 6.5 **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.
- 6.6 **Attendance:** Those present at the Review Meeting will normally be:
- Members of the Review Panel and the Clerk to the Governors
 - The Principal and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Principal 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. In those circumstances, the Governors may, at their discretion, decide to retain legal representation.
- 6.7 **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 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 Chairman 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 Chairman may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

Including Sandford, our Early Years Foundation Stage provision

- 6.8 **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. The civil standard of proof, namely “the balance of probability” will normally apply;
 - 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 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 Chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- 6.9 **Identification:** if the Principal considers it necessary in the interests of an individual or of the School then the identity of any person should be withheld, the Chairman may require that the name of that person and the reasons for withholding it be written down and shown to the Panel members. The Chairman at his discretion may direct that the person be identified, or not as the case may be.
- 6.10 **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.
- 6.11 **Leaving status:** If, having heard all parties, the Panel is minded to confirm that Principal’s earlier decision, it is open to the Panel, with agreement of the Principal, the pupil and his/her parents to discuss the pupil’s leaving status with a view to reaching agreement.
- 6.12 **Decision:** When the Chairman decides that all issues have been sufficiently discussed and if, by then, there are no consensus, he may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its decision. The Panel’s recommendations will be notified in writing with reasons, to the Principal and the parents by the Chairman of the Review Panel or the Chair of Governors within three 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.

Change History Date	Details
January 2018	Further details of Permanent and Temporary Exclusion added

Including Sandlesford, our Early Years Foundation Stage provision

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
 Sandlesford 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 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

Including Sandford, our Early Years Foundation Stage provision

Daytime Telephone	Daytime Telephone
Evening Telephone	Evening Telephone