

WHOLE SCHOOL PERMANENT EXCLUSION & REQUIRED REMOVAL POLICY

1. Introduction

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be suspended from the School, permanently excluded from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all students on the School roll, whether or not they are attending School, but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

“Parent” includes one or both of the parents, a legal guardian or education guardian.

"Principal": refers to the Principal and may include delegated responsibility to the Deputy Principal.

"Permanent Exclusion": a student may be formally excluded permanently from the School if it is proved on the balance of probabilities that the student has committed a very grave breach of discipline or a serious criminal offence. Permanent Exclusion is reserved for the most serious breaches.

“Removal”: Parents may be required to remove a student permanently from the School or from boarding if:

- (a) after consultation with the parents and if appropriate the student, the Principal is of the opinion that by reason of the student's conduct, behaviour or progress, the student is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School; or
- (b) the Principal (acting reasonably but in their absolute discretion) is of the opinion that a Parent has:
 - acted in an abusive or harassing manner in respect of any of the School’s staff;
 - not sufficiently cooperated with the School to enable the School to carry out its obligations under the School’s Terms and Conditions; or
 - acted in a way which appears to condone the abuse of any drug by a student.

This policy supports the School’s Code of Conduct and ensures procedural fairness.

The School will make reasonable adjustments for managing behaviour, which is related to a student's special educational need or disability. Where permanent exclusion needs to be considered, the School will ensure that a student with a disability or special educational needs and/or his/her parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the student will also be considered.

Please refer to the Code of Conduct and the Behaviour Policy regarding the appropriate length of a suspension, which depends on the offence and the prior disciplinary procedure.

2. Misconduct

The circumstances which may lead to suspension or permanent exclusion (or required removal as an alternative to permanent exclusion) include but are not limited to:

- Supply/possession/use of solvent and illegal drugs or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- Theft, blackmail, physical violence, intimidation, racism or persistent bullying (including cyber-bullying).
- Offences of a sexual nature; supply and possession of pornography.
- Obscene language and/or use of obscene language/imagery on the internet.
- Possession/use of unauthorised firearms or other weapons, which may include replicas.
- Vandalism.
- Computer hacking or other breaches of the ICT Code of Practice.
- Persistent attitudes or behaviour which are inconsistent with the School's ethos, such as on-going disruption of lessons and learning of others.
- Other serious misconduct towards a member of the School community, including defamation of staff, or which brings the School into disrepute (single or repeated episodes) on or off School premises.

A student may be required to leave if, after all appropriate consultation, the Principal/Head of Division is satisfied that it is not in the best interests of the student, or of the School, that s/he remains at the School.

3. Investigation Procedure

Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Head of Year/Head of Key Stage, and its outcome will be reported to the Principal and Head of Division. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the student being Permanently Excluded or Removed from the School.

A student may be suspended and required to stay at home with parents or with his/her education guardian while a complaint is being investigated; alternatively, s/he may be placed under internal suspension on the School premises.

The School may decide to search a student's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if it is considered there is reasonable cause to do so. The School also may decide to examine the content of messages and images on a student's mobile telephone, computer or other electronic device or websites, where misconduct is being investigated. There will always be more than one member of staff present. Clothing will not be searched until it has been removed by the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion to remove clothing. If necessary, the parents/police would be called, as appropriate.

If a student is interviewed about a complaint, they may be accompanied by a member of staff. A student who is waiting to be interviewed may be segregated. An investigation and any subsequent

meeting will be conducted fairly and in a way, which is appropriate in a school context. A minute of any interview will be recorded in writing.

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

A disciplinary meeting will be held prior to agreeing any sanctions. Documents available at the disciplinary meeting before the Head of Division may include:

- A statement setting out the points of complaint against the student
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- Investigation report by the relevant member of staff
- The student's School file
- The relevant School policies and procedures

The Principal will be kept informed in all cases. The Chair of Governors will be informed of the investigation in the case of permanent exclusions, as appropriate.

The student and, if appropriate, his/her parents will be asked to attend the disciplinary meeting with the Principal/Head of Division at which the relevant member of staff will explain the circumstances of the complaint and the investigation. The student may also be accompanied by a member of staff of his/her choice. The student 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 students will be preserved.

The Principal/Head of Division will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Principal/Head of Division considers that further investigation is needed, s/he will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Principal/Head of Divisions will not normally refer to the student's disciplinary record at this stage.

If the complaint has been proved, the Principal/Head of Division will outline the range of disciplinary sanctions which s/he considers are open to him/her. S/he will take into account any further statement which the student and/or others present on his/her behalf wish to make. The student's disciplinary record will be taken into account.

If the Head of Division recommends that the student must leave the School, s/he will consult first with the Principal. Depending on the circumstances, discussion will take place with the parent/guardian before deciding on the student's leaving status (see below).

The decision will be given in writing with reasons within two working days of the disciplinary meeting.

A decision to permanently exclude or remove a student may take immediate effect after the decision is communicated to a parent or guardian. Until the decision is communicated, the student shall remain suspended and away from School premises. Save for the Removal of a student for the reasons as set out in section b) of the definition of "Removal" (where, for the avoidance of doubt, there shall be no right of Appeal) the parents may make a written application to Chair of Governors for an Appeal, within seven days of being notified of the decision, in which case the student shall remain suspended until the Appeal has taken place and either the sanction is upheld or a reconsidered decision made.

5. Leaving Status

If a student is Permanently Excluded or Removed, his/her leaving status will be one of the following: 'Permanently Excluded, 'Removed' or if the offer is made and accepted 'Withdrawn by parents'.

Depending on the circumstances and the leaving status, the following will be decided:

- The form of letter which will be written to the parents and the form of announcement in the School that the student has left
- The form of reference which will be supplied for the student
- The entry which will be made on the School record and the student's status as a leaver
- Arrangements for transfer of any course and project work to the student, his/her parents or to another school
- Whether (if relevant) the student 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 student
- Whether the student will be entitled to leavers' privileges
- Whether the student will be eligible for membership of the New Hall Association (NHA) and, if so, from what date
- The conditions under which the student may re-enter School premises in the future. A student who has been Suspended, Withdrawn, Permanently Excluded or Removed from the School has no right to enter School premises without the written permission of the Principal
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded prepaid fees

6. Appeal to a Panel of Governors

The provisions of this section shall not apply on the Removal of a student for the reasons as set out in section b) of the definition of "Removal" (where, for the avoidance of doubt, there shall be no right of Appeal).

A student or his/her parents may make a written application for an Appeal to a panel of Governors of a decision by the Principal to Permanently Exclude or Remove a student (but not a decision to suspend the student unless the suspension is for 11 School days or more or would prevent the student taking a public examination). The application must be made in writing and received by the Chair of Governors (contactable via the Clerk to Governors, at New Hall) within 7 days of the decision being notified to a parent/guardian, or longer by agreement.

In their application the parents must state the grounds on which they are asking for an Appeal and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Principal will not of itself be grounds sufficient for an Appeal.

The Appeal 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 student or parents and will not normally include the Chair of Governors. Selection of the Appeal Panel will be made by the Chair of Governors. With the exception of the Chair of Governors, those Governors appointed to the Panel will not be provided with information about the case. 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.

The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the decision of the Principal or refer the decision back to him/her with recommendations so that s/he may consider the matter further.

The meeting will take place at the School premises, normally within 10 working days after the parents' application has been received. An Appeal will not normally take place during School holidays. The parents and the Principal will be asked to submit any documents they wish to refer to at the meeting to the Chair of Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Principal before his/her decision was made, the Chair of Governors will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Appeal; or
- to make further enquiries of the parents or the student about the information; or
- to refer the information to the Principal for his/her consideration as to whether the decision should be revisited.

An Appeal Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

Those present at the Appeal Meeting will normally be:

- members of the Appeal Panel
- the Principal and any relevant member of staff whom the student or his/her parents have asked should attend and whom the Principal considers should attend in order to secure a fair outcome
- the student, together with his/her parents and, if they wish, a member of the School staff who is willing to speak on the student's behalf

The parents may be accompanied by a friend or relation. The Appeal Meeting is not a legal proceeding and so legal representation is not necessary. The Chair of Governors must be given 7 days' notice if the friend or relation is legally qualified and the parents should note that the Appeal Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

The meeting will be chaired by one member of the Appeal Panel. The Clerk to Governors will be asked to take minutes of the meeting.

The Appeal will be conducted by the Chair of the panel first asking the appellant to state the grounds of their appeal. The School will then have the opportunity to ask relevant questions before providing the School's case. At the end of this, the appellants can ask relevant questions. All statements made at the meeting will be unsworn. 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.

The panel will consider each of the questions raised by the student or his/her parents and any documentation they wish to rely on so far as relevant to:

- Whether the decision was fair procedurally and/or substantively - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to Permanently Exclude or Remove the student. The civil standard of proof, namely, the balance of probabilities will apply; and
- 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 student or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Panel at the time and ask the Clerk to Governors to note their dissatisfaction and the reasons for it.

When the Chair of the panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively, the Chair may ask those present to withdraw while the Panel considers its decision. The Panel's decision will be notified, with reasons, to the parents and the Principal by the Chair of the Appeal panel or the Chair of Governors in writing within three working days of the meeting. If the decision is upheld, the decision of the Appeal Panel will be final. If recommendations are made, the Principal will provide a response within 24 hours. In the absence of a significant procedural irregularity, the decision of the Principal will then be final.