

Exclusion Policy



St John's College

EXCLUSION POLICY

This policy applies to all three sections of the School: the Senior School, Junior School and EYFS (Infants).

Version: September 2020

1. Introduction

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from St John's College (the School), or required to leave permanently 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 his/her parents; in all cases, the School will act reasonably and fairly.

The **aims** of this policy are:

- to support the School's behaviour and discipline code;
- 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 is to leave earlier than expected.

1.1 - Interpretation: The definitions in this clause apply in this policy

Headteacher: references to the Headteacher may include deputies.

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

Expulsion: means the dismissal of a pupil from the School following serious misconduct formally recorded.

Removal: means that a pupil has been required to leave, but without the stigma of expulsion.

Withdrawn by Parents: means that the parent opts to voluntarily remove their child from the School.

2. Misconduct

Circumstances which may lead to expulsion or removal differ widely according to the age of the pupil and nature of the misconduct but the main categories include but are not limited to:

- 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 other weapons;
- Vandalism and computer hacking;
- Persistent attitudes or behaviour which are inconsistent with the School's ethos, this may include the misuse of social media;
- 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.

Other circumstances: A pupil may be required to leave if, after all appropriate consultation, the Headteacher 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 - Complaints and allegations: Investigation of a complaint/allegation or rumour about serious misconduct will normally be co-ordinated by one of the assistant heads or other appropriate senior colleague (provided he or she is independent of the complaint) and its outcome will be reported to the Headteacher.

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. If the complaint involves child protection issues, the designated safeguarding lead (DSL) will record the matter.

3.2 - Suspension: A pupil may be suspended from the School and required to stay at home.

3.3 - 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. 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.

3.4 - Interview: A pupil may be interviewed, wherever possible, with more than one member of staff 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.

3.5 - 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.

4. Disciplinary meeting with the Headteacher

4.1 - Preparation: If appropriate, the Chair of Trustees may be informed of the investigation. Documents available at the disciplinary meeting before the Headteacher 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 pupil's School file and conduct record;
- the relevant School policies and procedures.

4.2 - Attendance: The pupil and the pupil's parents may be asked to attend the disciplinary meeting with the Headteacher at which the deputy head, pastoral, or other appropriate senior colleague will explain the circumstances of the complaint and his or her investigation. The pupil may attend the meeting at a point to be decided by the Headteacher - typically after the parents have discussed the situation with the Headteacher and other relevant staff. In some cases, the pupil and his/her parents will have an opportunity to state their child'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.

4.3 - Proceedings: Potential stages of a disciplinary meeting:

4.3.1 - The complaints: The Headteacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headteacher considers that further investigation is needed, he/she 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.

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

4.3.3 - Delayed effect: A decision to expel or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil may remain suspended and away from School premises. The parents will have the opportunity to submit a written application for a review of the decision to be undertaken by the Board of Trustees.

5. Removal and Expulsion of a Pupil

5.1 - Procedural Fairness: Investigation of a complaint which could lead to expulsion, removal or withdrawal of the Pupil in any of the circumstances explained below shall be carried out in a fair and unbiased manner.

5.2 - Divulging Information: Except as required by law, the School and its staff shall not be required to divulge to Parents or others any confidential information or the identities of Pupils or others who have given information which has led to the complaint or which the Headteacher has acquired during an investigation.

5.3 - Removal at the Request of the School: Parents may be required, during or at the end of a term, to remove the Pupil, temporarily or permanently from the School if, after discussion with a Parent, the Headteacher is of the opinion that the conduct or progress of the Pupil has been unsatisfactory or if the Pupil, in the judgment of the Headteacher, is unwilling or unable to profit from the educational opportunities offered (or a Parent has treated the School or members of its staff unreasonably) and in any such case removal is considered to be warranted.

5.4 - Expulsion: A pupil may be expelled at any time if the Headteacher is reasonably satisfied that the pupil's conduct (whether on or off School premises or in or out of term time) has been prejudicial to good order or School discipline or to the reputation of the School. The Headteacher will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in serious circumstances.

5.5 - Discretion of Headteacher: The decision to exclude, suspend or require removal, or expel a pupil, and also the manner and form of any announcement shall be in the sole discretion of the Headteacher.

5.6 - Leaving Status: The expression 'leaving status' has reference to whether the pupil has been expelled, removed or withdrawn and to the record which will be entered in to the pupil's file as to the reason for leaving, and the pupil's status as a leaver. Further information can be found at section 6 of this policy.

It also has reference to the transfer of the pupil's work to another educational establishment and to the nature of the reference which will be given in respect of the pupil, and also to the financial aspects of the pupil's leaving. These and any other relevant matters of leaving status will be discussed by the Headteacher with the Parents and, where appropriate with the pupil, at the time of the Headteacher's decision.

5.7 - Trustees' Review:

Parents may ask for a Trustees' Review of a decision to expel or require the removal of a pupil from the School or from boarding (but not a decision to suspend a pupil). The request must be made as soon as possible and in any event within 10 working days of the decision being notified to the Parents. Parents will be entitled to know the names of the Trustees who make up the Review Panel and may ask for the appointment of an independent panel member nominated by the School and approved by the Parent (approval not to be unreasonably withheld).

If Parents request a Trustees' Review, in cases where the pupil has been expelled or immediately removed, the pupil's status will be considered as 'suspended from School' until the decision to expel or remove has been set aside or upheld. While suspended, the pupil shall remain away from School and will not have the right to enter School premises during that time without written permission from the Headteacher.

5.8 - Access: A Pupil who has been withdrawn, excluded, suspended, removed or expelled from the School must not enter School premises for any reason without the written permission of the Headteacher in advance.

6. Leaving status

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

6.2 - Detail: Additional points of leaving status may include some or all of 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 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.

7. Trustees' Review

7.1 - Request for Review: Parents may ask for a Trustees' Review of a decision to expel or require the removal of a pupil from the School (but not a decision to suspend a pupil). The request must be made in writing using the Request Form attached and received by the School within 10 working days of the Headteacher's decision being notified to the Parents, or longer by agreement. If the Parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made.

Parents will be entitled to know the names of the Trustees who make up the Review Panel and may ask for the appointment of an independent panel member nominated by the School and approved by the Parent (approval not to be unreasonably withheld).

7.2 - 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. For the avoidance of doubt, a mere disagreement with the decision of the Headteacher will not of itself be grounds sufficient for a Trustees' Review.

7.3 - Review Panel: The Review will be undertaken by a sub-committee of the Board of Trustees (the Panel) made up of two or more Trustees, but not the Chair of Trustees. The Panel members will have no detailed previous knowledge of the case or of the pupil or Parents. Selection of the Panel will be made by the Chair of Trustees who will Chair the review meeting. Those members of the Board of Trustees' not 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 Panel may, if requested by the Parents, include an independent member who has no connection with the management or running of the School.

7.4 - Role 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 Headteacher's decision or refer the decision back to him with recommendations so that he may consider the matter further.

7.5 - Review meeting: The meeting will take place at the School premises, normally within ten School days after the Parents' application has been received. A Review will not normally take place during School holidays. The Parents and the Headteacher will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Trustees 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 Headteacher before his decision was made, the Clerk should contact the Chair of Trustees who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Review; or
- to make further enquiries of the Parents or the pupil about the information; or
- to refer the information to the Headteacher for his consideration as to whether the decision should be revisited.

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. This requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

7.6 - Attendance: Those present at the Review meeting will normally be:

- members of the Panel and the Clerk to the Trustees or his/her deputy;
- the Headteacher and any relevant member of staff whom the pupil or his/her Parents have asked should attend and whom the Headteacher considers should attend in order to secure a fair process;
- 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 meeting is not a legal proceeding and so legal representation is not necessary. The Clerk must be given seven days' notice if the friend or relation is legally qualified.

7.7 - Conduct of meeting

The meeting will be chaired by one member of the Panel and will be conducted in a suitable room and in an informal manner. The meeting will not be recorded but 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.

7.8 - Procedure: The Headteacher will provide the Parents with a copy of the current Trustees' Review procedure if requested. In summary, the Panel will consider each of the points raised by the pupil or his/her Parents and any documentation they wish to rely on so far as relevant to:

1) whether the decision was fair procedurally and/or substantively - 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 apply;

2) whether the sanction was proportionate - that is whether it was warranted in respect of 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.

7.9 - Decision: When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he/she may adjourn the meeting; alternatively, the Chair may ask those present to withdraw while the Panel considers its findings and any recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headteacher and the Parents by the Chair of the Panel or the Chair of Trustees within ten working days of the meeting. The Headteacher will provide his response to those recommendations, if appropriate, in writing within five working days

of receiving the Panel's decision. In the absence of a significant procedural irregularity, the Headteacher's decision will then be final.

7.10 - Record: A record of the review shall be maintained by the School, the documents relating to the proceedings, and the findings of the panel. The record shall be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002, as amended, requests access to them. The recommendations and findings of the review panel shall be made available to the Chair of the Board of Trustees, and if he/she thinks it desirable shall be made available to the Trustees.

8. Fees

Should the Headteacher exercise his or her discretion to require a parent to remove their child from the School, fees in lieu of notice will **not** be payable and any fees and/or supplemental charges that have been prepaid for or relating to any term after the expulsion/required removal will be refunded.

9. Equal Opportunities

The School will not discriminate against any pupil on the grounds of any of the protected characteristics under the Equality Act 2010. The Act 2010 defines these, for the purposes of the Schools' provision, as race, gender, sexual orientation, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity.

The School will make reasonable adjustments to help manage a pupil's behaviour which results from the pupil having a disability.

Request for a Trustees' Review of the decision to expel or require a pupil to leave

To: The Chair of Trustees of St John's College, Cardiff.

Name of pupil:

I/We request that a panel be appointed to lead a review against the Headteacher's decision to suspend, expel or require removal of the above named pupil. I agree that the review will be carried out in accordance with the review procedure set out in the Exclusion Policy 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 review will be final, subject to such (if any) legal rights as may exist.

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

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

I/We understand 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:
Daytime telephone:	Daytime telephone:
Evening telephone:	Evening telephone: