



# **Policy on Fixed-Term and Permanent Exclusion (Whole School including EYFS)**

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**Independent Day School**

**Our Lady of Sion School**

Last Reviewed: June 2023

Frequency of Review: Annually

Next Review Due: June 2024

## Introduction

1 *Scope:* This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded from 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 their parents.

2 *Interpretation:* the definitions in this clause apply in this policy.

*Headteacher:* references to the Headteacher include Deputy Headteacher.

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

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

*Removal:* parents may be required to remove a pupil permanently from the School if, after consultation with the parents and if appropriate the pupil, the Headteacher is of the opinion that:

- (a) by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School;  
or
- (b) if the parents have treated the School, members of its staff or any member of the School community unreasonably.

## Policy statement

3 *Aims:* The aims of this policy are:

- 3.1 To support the School's behaviour and discipline code.
- 3.2 To ensure consistent procedural fairness and natural justice.
- 3.3 To promote co-operation between the School and parents when it is necessary for the School that a pupil is required to leave earlier than expected.
- 3.4 That the exclusions process is applied fairly and consistently.
- 3.5 That the exclusions process is understood by governors, staff, parents and pupils.
- 3.6 That pupils in school are safe and happy.
- 3.7 That pupils do not become NEET (not in education, employment or training).

- 4 *Misconduct:* The main categories of misconduct which may result in exclusion or permanent exclusion include but are not limited to:
- 4.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
  - 4.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
  - 4.3 Misconduct of a sexual nature; supply and possession of pornography.
  - 4.4 Possession or use of unauthorised firearms or other weapons.
  - 4.5 Vandalism and computer hacking.
  - 4.6 Persistent attitudes or behaviour which are inconsistent with the School's ethos.
  - 4.7 Other serious misconduct which affects the welfare of a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
  - 4.8 Physical assault against pupils or adults.
  - 4.9 Verbal abuse/threatening behaviour against pupils or adults.
  - 4.10 Bullying (especially if it is severe or persistent)
  - 4.11 Racist abuse.
  - 4.12 Parental behaviour.
- 5 *Equality:* The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where exclusion or permanent exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and / or their parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.
- 6 *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 they remain at the School.

### Investigation procedure

- 7 *Complaints:* Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Headteacher, 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 excluded or permanently excluded.

- 8 *Suspension:* A pupil may be suspended from the School while a complaint is being investigated. Alternatively, the child may be placed under a segregated supervision at the school premises. If a child is suspended from the School, work will be set on Google Classroom to ensure that the student can continue with studies at home. The Deputy Headteacher will co-ordinate these arrangements with the pupil's parents. Parents should note that there may be a short delay in providing work whilst teaching staff are given the opportunity to determine the work to be set.
- 9 *Search:* We may decide to search a pupil's locker and belongings and ask them to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. The person conducting the search may not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police would be called. See also the School's separate policy on searching and confiscation for details about the School's power to search.
- 10 *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 them to be accompanied by a member of staff of their choice and/or by a parent if available at the relevant time. Minutes of the interview will be recorded in writing by the interviewing member of staff.
- 11 *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.
- 12 *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

- 13 *Preparation:* The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Headteacher will include:
- 13.1 A statement setting out the points of complaint against the pupil.
  - 13.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - 13.3 The Deputy Headteacher's Investigation Report.
  - 13.4 The pupil's school file and conduct record.
  - 13.5 The relevant school policies and procedures.

14 *Attendance:* The pupil and the pupil's parents (if available) will be asked to attend the disciplinary meeting with the Headteacher at which the Deputy Headteacher will explain the circumstances of the complaint and subsequent investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil and 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.

If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (eg, parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headteacher or the Deputy Headteacher so that appropriate arrangements can be made.

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

15.1 *The complaint* - 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 will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, ie, the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Headteacher will not normally refer to the pupil's disciplinary record at this stage.

15.2 *The sanction* - if the complaint has been proved, the Headteacher 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 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 Headteacher will give his decision, with reasons.

15.3 *Leaving status* - if the Headteacher decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

16 *Delayed Effect:* A decision to exclude or permanently exclude a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.

## Leaving status

17 *Explanation:* If a pupil is excluded or permanently excluded or required to leave, their leaving status will be one of the following: "excluded", "removed" or, if an offer is made and accepted, "withdrawn by parents".

18 *Detail:* Additional points of leaving status include:

18.1 The form of letter which will be written to the parents and the form of announcement in the School.

- 18.2 The form of reference which will be supplied for the pupil.
- 18.3 The entry which will be made on the school record and the pupil's status as a leaver.
- 18.4 Arrangements for transfer of any course and project work to the pupil, the pupil's parents or another school.
- 18.5 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
- 18.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- 18.7 Whether the pupil will be entitled to leavers' privileges.
- 18.8 The conditions under which the pupil may re-enter school premises in the future.
- 18.9 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

#### **Governors' review when there is a parental disagreement with Headteacher's decision**

- 19 *Request for Review:* A pupil or their parents may make a written application for a Governors' Review of the Headteacher's decision to exclude or permanently exclude a pupil. The application must be made using the Request Form at the end of this policy and received by the Clerk to the Governors within 72 hours of the Headteacher's decision being notified to a parent, 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.
- 20 *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 in itself be grounds sufficient for a Governors' Review. Detail regarding the reasons for disagreement are paramount.
- 21 *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 include the Chair of Governors. Selection of the Review Panel will be made by the Chair of Governors. With the exception of the Chair of Governors, those Governors not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the name of the Chair of the Panel. Fair consideration will be given to any bona fide objection to a particular member of the panel.
- 22 *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.

23 *Review Meeting:* The meeting will take place at the school premises, normally within 10 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 and a single bundle will be circulated 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 Governors who will decide whether:

23.1 to include the new information in the bundle; or

23.2 to omit the information if not relevant to the grounds for Review; or

23.3 to make further enquiries of the parents or the pupil about the information; or

23.4 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 at any subsequent legal proceedings.

24 *Attendance:* Those present at the Review Meeting will normally be:

24.1 Members of the Review Panel and the Clerk to the Governors or their deputy.

24.2 The Headteacher and any relevant member of staff whom the pupil or their parents have asked should attend and whom the Headteacher considers should attend in order to secure a fair outcome.

24.3 The pupil together with their 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 to the Governors must be given 7 days' notice if the friend or relation is legally qualified and parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

25 *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 proceedings will not be tape-recorded without the consent of both the Chair and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the School. The Clerk will take minutes of 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 their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

26 *Procedure:* The Panel will consider each of the questions raised by the pupil or their parents and any documentation they wish to rely on so far as relevant to:

26.1 Whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to exclude or remove the pupil. The civil standard of proof, namely, "*the balance of probability*" will normally apply; and

26.2 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 pupil or their 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.

27 *Identification:* If the Headteacher 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 Panel Members. The Headteacher at his discretion may direct that the person be identified, or not as the case may be.

28 *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.

29 *Decision:* When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively, the Chair may ask those present to withdraw while the Panel considers its 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 Review Panel or the Chair of Governors within three days of the meeting. The Headteacher will provide his response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Headteacher's decision will then be final.

**Approved by Chair of Governors June 2023**



**Our Lady of Sion School**

**Request for a Governors' Review of a decision by the Headteacher to permanently exclude or require a pupil to leave**

**To: The Clerk to the Governors of Our Lady of Sion School, Gratwicke Road, Worthing, West Sussex, BN11 4BL – Tel: 01903 204063**

**Name of Pupil:**

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

**I/We CONFIRM** that I/We am/are a person with parental responsibility for the above named pupil and that I/We 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 educational, pastoral care and administration matters.

**I/WE UNDERSTAND** that we may be accompanied at the Review Meeting by a friend or relation and that I/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. If I/we wish to bring a friend or relation who is legally qualified I/we will provide seven days' notice as required.

**I/WE WILL** inform the Clerk if I/we have any special needs or disabilities requiring additional facilities or adjustments.

**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)**

<b>First Signature</b> .....	<b>Second Signature</b> .....
<b>Full Name</b> .....	<b>Full Name</b> .....
<b>Relationship to Pupil</b> .....	<b>Relationship to Pupil</b> .....
<b>Address:</b> .....	<b>Address:</b> .....
.....	.....

**Telephone Numbers**

**Daytime:**.....

**Evening:**.....

**Date** .....

**Related Policies:**

Searching & Confiscation Policy

Safeguarding Policy

**Telephone Numbers**

**Daytime:** .....

**Evening:** .....

**Date** .....