

EXCLUSION, REMOVAL AND REVIEW POLICY

1. INTRODUCTION

1.1 This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a girl may be expelled from the School, or removed for misconduct or other reasons (see the definitions of these sanctions in the Behaviour and Discipline Policy).

The policy applies to all pupils at the School but does not cover cases when a girl has to leave because of ill-health, non-payment of fees, or withdrawal by her parents.

1.2 The following definitions apply in this policy.

- **Principal:** references to the Principal may include Vice-Principals acting in the Principal's absence.
- **Parent:** includes one or both of the parents, a legal guardian or education guardian.
- **School days:** means Monday to Friday, when School is open during term time. The dates of terms are published on the school's website.
- **Temporary Exclusion:** means the exclusion of a pupil from the school following serious misconduct for a fixed period of time.
- **Permanent Exclusion (or 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 exclusion.
- **Clerk to the Governors:** Reference to the Clerk to the Governors refers to the Executive Director of the Foundation or his appointed representative.

2. POLICY STATEMENT

2.1 The aims of this policy are:

- to support the School's behaviour 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 should leave earlier than expected.

2.2 **Exclusion Offences:**

Although this is not an exhaustive list, the main categories of misconduct which may result in temporary or permanent exclusion or removal include:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- theft, blackmail, physical violence, intimidation, racism or persistent bullying
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other weapons
- vandalism or computer hacking
- persistent attitudes or behaviour which are inconsistent with the School 's ethos
- serious academic malpractice such as plagiarism
- 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.

2.3 The following very serious offences are likely to lead to **permanent exclusion**:

- Sexual abuse or assault
- Serious actual or threatened violence (including bullying) against another pupil or member of staff
- Involvement in the possession, use or supply of drugs or substances

Repeated serious offences such as those outlined under “Exclusion Offences” may also lead to permanent exclusion or removal.

2.4 **Equality:**

The school will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where permanent exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and/or her 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.

2.5 **Removal:**

Parents may be required to remove a pupil permanently from the School if:

- The pupil has committed a breach or breaches of School rules or discipline for which removal is an appropriate sanction; or
- The behaviour of either of the parents is, in the opinion of the Principal, unreasonable and affects or is likely to affect adversely the pupil's or other pupils' progress at the School or the well-being of school staff or bring the school into disrepute; or
- After consultation with the parents and, if appropriate, the pupil, the Principal is of the opinion that by reason of the pupil's conduct, behaviour or progress, the pupil is unable to benefit sufficiently from the educational opportunities and/or the community life offered by the school.

3. THE PROCEDURE

- 3.1 The procedure followed by the school in cases where a sanction of exclusion or removal may be imposed by the Principal are summarised in the flowchart in **Appendix 1** to this policy.

There are three stages of the procedure to be followed by the School in cases where a sanction of Exclusion or Removal may be imposed by the Principal:

- 3.1.2 Investigation procedure
- 3.1.3 Disciplinary meeting with the Principal
- 3.1.4 Review meeting

3.1.2 INVESTIGATION PROCEDURE

Complaints: Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Vice-Principal (Pastoral), and its outcome will be reported to the Principal. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the girl being expelled or removed from the School.

Temporary exclusion: A girl may be temporarily excluded from the School while a complaint is being investigated or while an investigation is suspended (see below). Should a temporary exclusion continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the girl. Parents 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, the pupil may be placed under a segregated regime on School premises.

Search: We may decide to search a girl's space and belongings and ask 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. Only outer clothing will be searched. If necessary, the police would be called. See also Appendix 2 of the School's Behaviour and Discipline Policy for the School's policy on searching and confiscation.

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, of serious misconduct, a second member of staff should be present who will take minutes of the interview. A pupil may necessarily be isolated for periods of time in order to ensure the integrity of the investigation but access to food, drink and toilet breaks will be ensured. Minutes of the interview will be recorded in writing by the interviewing member of staff.

Statements: Written statements will take taken, where possible, from pupils and adults who witnessed the incident(s). Such statements should be signed and dated.

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.

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.

Outcome: in the case of a temporary exclusion, the parents will be contacted by telephone as soon as possible after the Principal has made a decision to exclude a pupil temporarily. The Principal will send a letter to the parents within two school working days, a copy of which will be sent to the chairman of ISGB. The letter will clearly state:

- The reason for the temporary exclusion
- The length of the exclusion
- The date the pupil is permitted to return to school

3.1.3 DISCIPLINARY MEETING WITH THE PRINCIPAL

Preparation: The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Principal will 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 Vice-Principal (Pastoral)'s Investigation Report
- the pupil's school file and (if separate) conduct record
- the relevant School policies and procedures.

Attendance: The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the Vice-Principal (Pastoral) will explain the circumstances of the complaint and her investigation.

The pupil may also be accompanied by a member of staff of her choice. The pupil and 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.

If the parents or the girl have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Principal or Vice-Principal (Pastoral) so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their daughter's education.

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

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, she 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 will not normally refer to the pupil's disciplinary record at this stage.

2. The sanction:

If the complaint has been proved the Principal will outline the range of disciplinary sanctions which she considers are open to her. She will take into account any further statement which the pupil and/or others present on 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 Principal will give her decision in writing, with reasons.

3. Leaving status:

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

Delayed effect:

A decision to expel or remove a girl shall take effect seven days after the decision was first communicated to a parent. Until then, the girl shall remain suspended and away from School premises. If within seven days the parents have made a written application for a Review by the Governors of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

Leaving status

If a girl is expelled or removed, her leaving status will be one of the following: expelled, removed or, if the offer is made and accepted, withdrawn by parents.

Additional points of leaving status include:

- the form of letter which will be written to the parents and the form of announcement in the School
- the form of reference which will be supplied for the girl
- the entry which will be made on the School record and the girl's status as a leaver
- arrangements for transfer of any course and project work to the girl, her parents or another school
- whether (if relevant) the girl 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 girl
- whether the girl will be entitled to leavers' privileges
- the conditions under which the girl 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; refunded of prepaid fees.

3.1.4. REVIEW MEETING

1. **Request for review:** A pupil or her parents may request a Review of the Principal's decision to Remove or Exclude a pupil either temporarily or permanently. The application must be made in writing using the Request Form at **Appendix 2** and received by the Executive Director of the Foundation within seven days of the Principal's decision being notified to the parents, or longer with the agreement of the Principal. 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.
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.
3. **Review Panel:** The Review will be undertaken by a three member sub-committee of the Governing Body. 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 Clerk to the Governors. Those members of the Governing Body 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.
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 Principal's decision or refer the decision back to him with recommendations so that he may consider the matter further.
5. **Review meeting:** The meeting will take place at the School premises, normally within 21 school days after the parents' application has been received. A Review 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 Clerk to the Governors and a single bundle will be circulated to the Panel and the parties at least three days before the meeting. On receipt of new information not previously available to the Principal before her decision was made, the Clerk should contact the Chair of the Panel 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 Principal for her 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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

6. **Attendance:** Those present at the Review meeting will normally be:
- members of the Review Panel and an appointed Clerk
 - the Principal and any relevant member of staff whom the Principal considers should attend in order to secure a fair outcome
 - the pupil together with her parents. 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 seven days' notice if the friend or relation is legally qualified and the 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.
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 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 her/ his discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

The order of business will be as follows:

- After introductions, Principal will present her report explaining the reasons for the decision followed by witnesses* (if any).
- The parent/s may question both the Principal and the witnesses after each has spoken. The panel may ask questions at any point.
- The parent/s is then invited to make their case followed by their witnesses (if any).
- The Principal may question both the parent/s and the witnesses after each has spoken.
- The Principal is then invited to sum up the school's actions.
- The parent/s is then invited to sum up their case.
- Both parties leave together while the panel decides on the issues. The Chair explains that both parties will hear from the panel within the set time scale.

*Witnesses are only required to attend for the part of the hearing in which they give their evidence.

8. **Procedure:** The Principal will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the points raised by the pupil or 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 following fair procedure when the decision was taken to expel or require the removal of the pupil. The civil standard of proof, namely, "the balance of probability", will apply and

- **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.

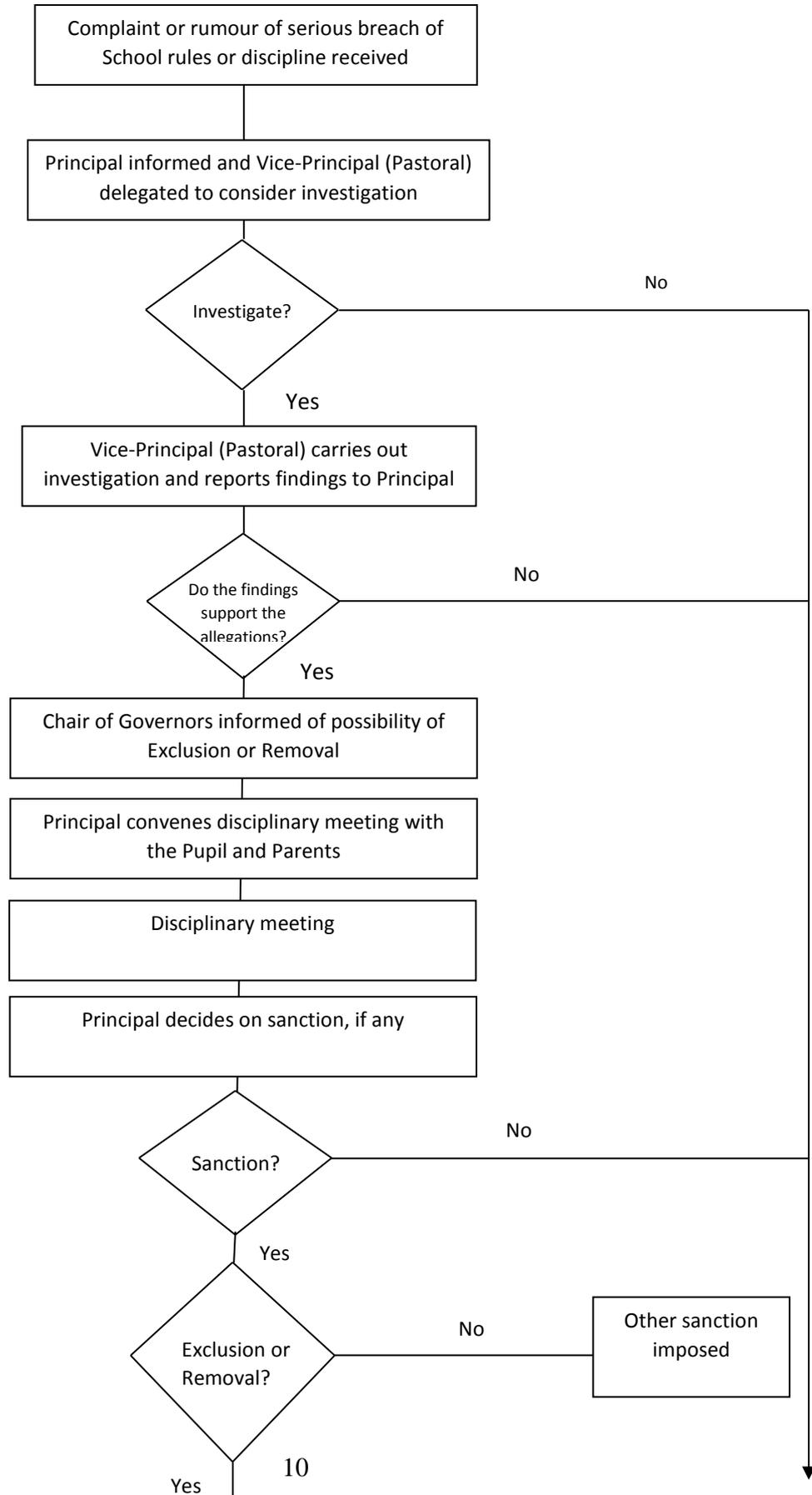
The requirements of natural justice will apply. If for any reason the Principal, the pupil or her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

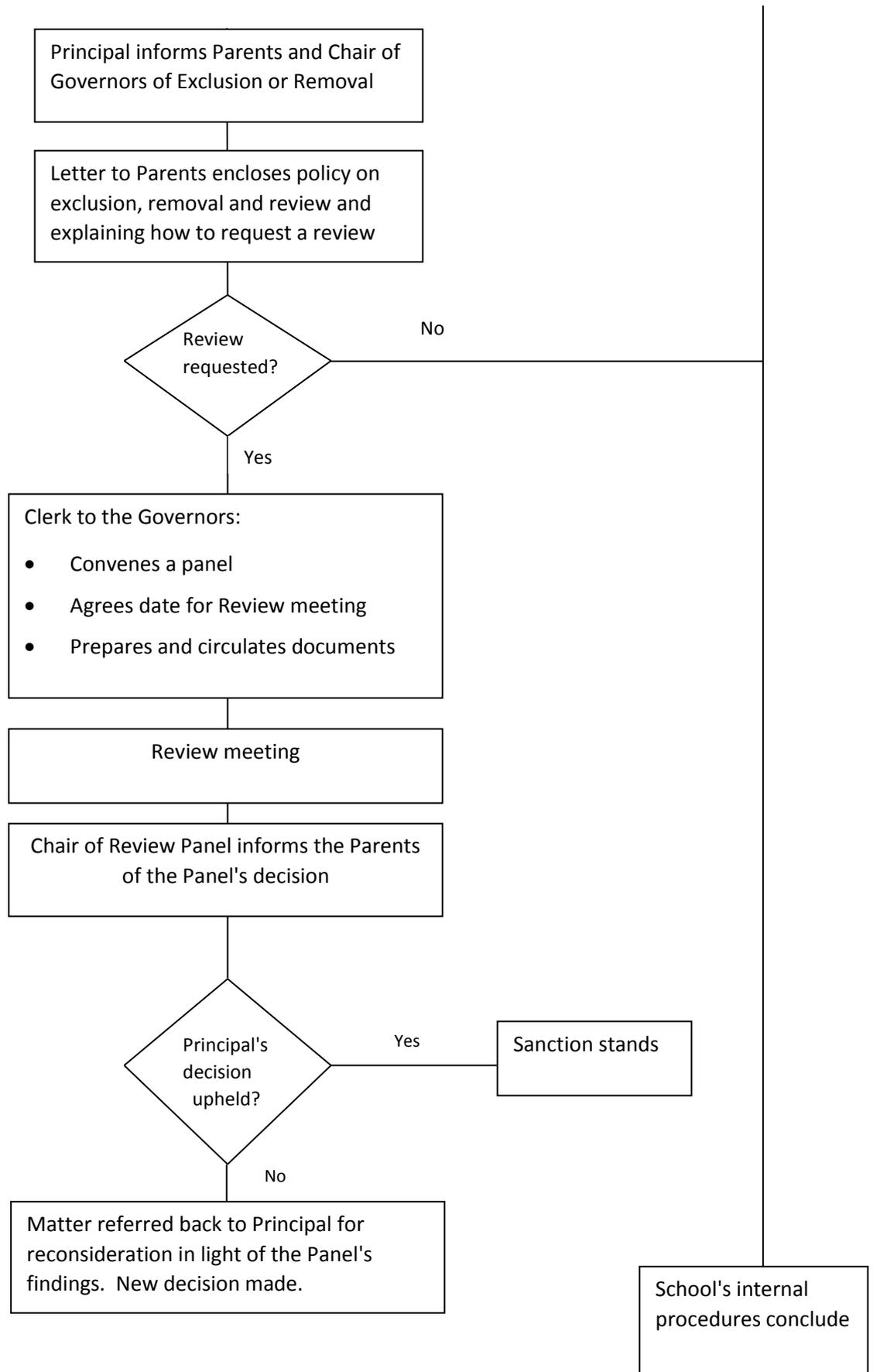
9. **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Principal and the parents by the Chair of the Review Panel within three school working days of the meeting. The Principal will provide her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Principal's decision will then be final.

Reviewed February 2017

The Vice Principal (Pastoral) is responsible for the monitoring and review of the Exclusions, Removal and Review Policy and reports to the Principal. The Policy is presented to and reviewed by the ISGB each year.

Appendix 1 Procedural flowchart





Appendix 2 - **Form for requesting a Review**

To Executive Director, Schools of King Edward VI in Birmingham
Subject [Name of pupil]

I/we request a Review of the Principal's decision to Exclude or Remove 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 subject to law and that the Principal's decision following consideration of the recommendations made by the Panel will be final, subject to such legal rights (if any) as may exist.

I/we confirm that I/we have 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 Principal'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 to the Governors if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the matters which I/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
Telephone number	Telephone number