



Exclusion, Removal and Review Policy

This policy applies to all pupils at Bishop's Stortford College including those in Early Years Foundation Stage and Key Stage 1.

1 Introduction

1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from the College, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the College 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.

1.2 **Interpretation:** The following definitions in this clause apply in this policy.

Head: References to the Head may include the College Head, Prep School Head or Head of the Pre-Prep.

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

Permanent Exclusion: A pupil may be permanently excluded from the College if it is demonstrated on the balance of probabilities that the pupil 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 pupil permanently from the College, or from boarding if, after consultation with the parents and if appropriate for the pupil, the Head 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 College; or

- (b) if the parents have treated the College, members of its staff or any member of the Collegiate community unreasonably.

Suspension: In this policy, unless otherwise stated, suspension is a neutral act whereby the pupil is sent home pending the outcome of an investigation or a Governors' Review. Suspension as a disciplinary sanction is defined in the College's Behaviour Policy and Policy for Searching Pupils or their Possessions.

In this document where the term 'drugs' is used, this includes, illegal drugs, new psychoactive substances ("legal highs") and volatile substances, and unless otherwise specified, alcohol, e-cigarettes and tobacco.

2 **Policy statement**

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

2.1.1 to support the College rules and policies on behaviour and discipline;

2.1.2 to ensure procedural fairness and natural justice; and

2.1.3 to promote co-operation between the College and parents when it is necessary for the College to require a pupil to leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in permanent exclusion or removal include but are not limited to:

2.2.1 Supply / possession / use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, other mind-altering substances, or alcohol, e-cigarettes, or tobacco.

2.2.2 Theft, blackmail, physical violence, intimidation, racism or persistent bullying.

2.2.3 Misconduct of a sexual nature; supply or possession of pornography.

2.2.4 Possession or use of unauthorised firearms or other weapons.

2.2.5 Vandalism or computer hacking.

2.2.6 Offence relating to the misuse of IT.

2.2.7 Persistent attitudes or behaviour which are inconsistent with the College's ethos.

2.2.8 Examination malpractice

2.2.9 Other serious misconduct which affects the welfare of a member or members of the College community or which brings the College into disrepute (single or repeated episodes) on or off College premises.

2.3 **Equality:** The College will make reasonable adjustments for managing behaviour which is related to a pupil's Additional Educational Need or disability. Where permanent exclusion needs to be considered, the College will ensure that a pupil 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 need(s) might hinder this. Any religious requirements affecting the pupil will also be considered.

3 **Procedure**

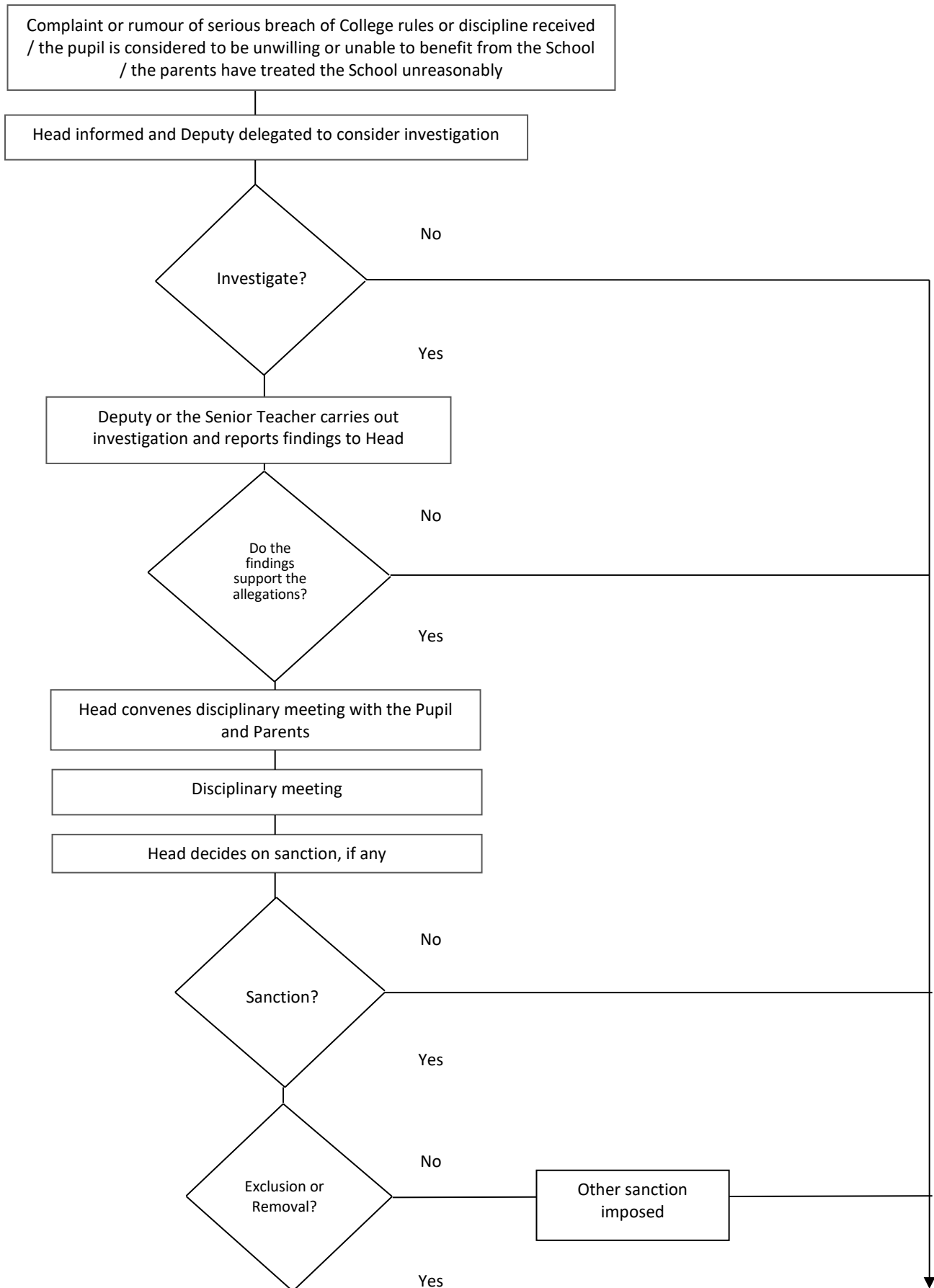
3.1 **The procedure:** The procedure followed by the College in cases where a sanction of Permanent Exclusion or Removal may be imposed by the Head are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:

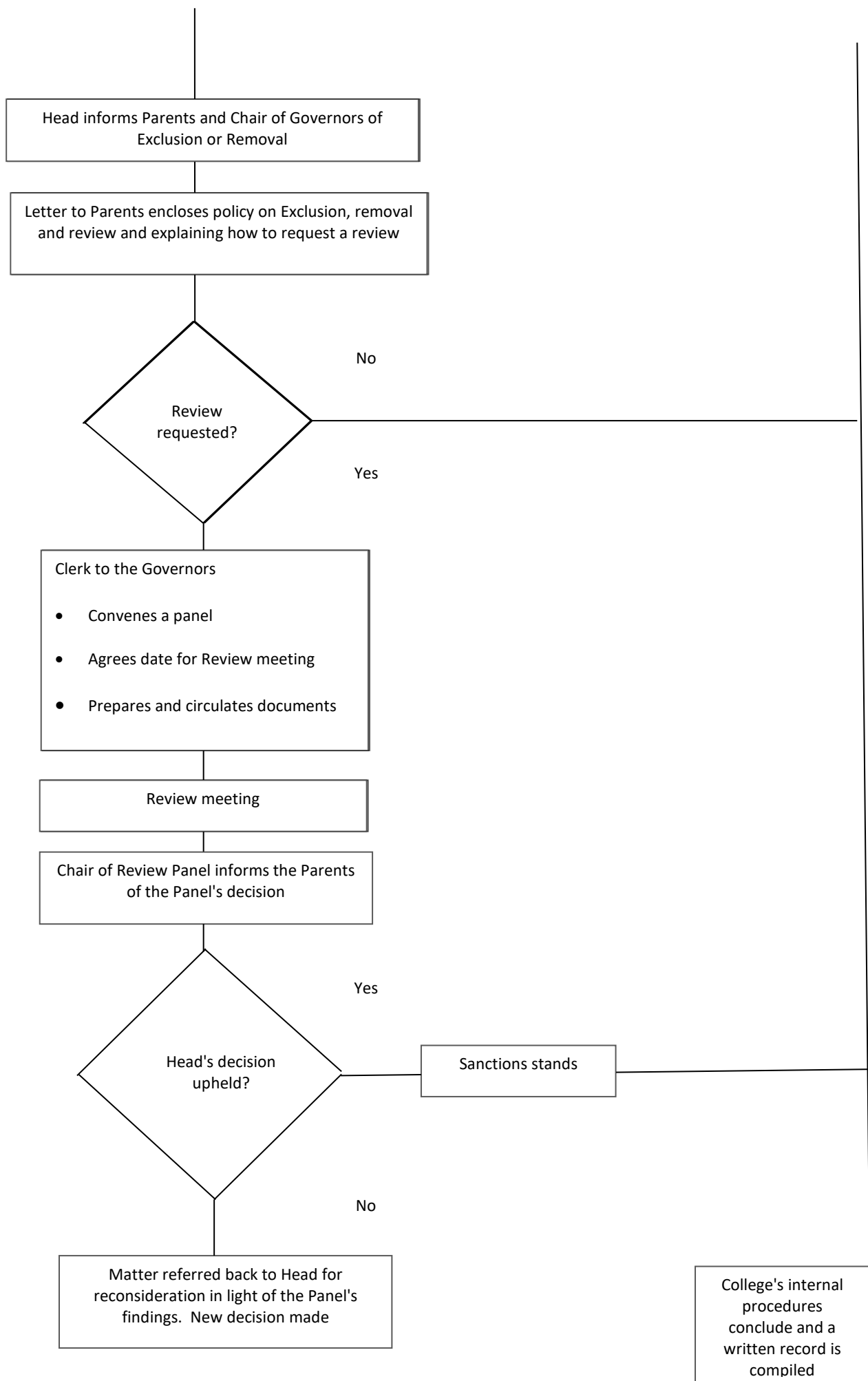
3.1.1 **Investigation procedure** - further details of the procedures to be followed at this stage are set out in Appendix 2.

3.1.2 **Disciplinary meeting with the Head** - further details of the disciplinary meeting are set out in - Appendix 3

3.1.3 **Review meeting** - further details of the Review meeting are set out in Appendix 4.

Appendix 1 Procedural flowchart





Appendix 2 Investigation procedure

- 1 **Complaints:** A complaint or rumour about serious misconduct or cases in which the Head considers that a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the College or parents have treated the College, members of its staff or any member of the College community unreasonably will be investigated. This investigation will normally be co-ordinated by one of the Deputy Heads, and its outcome will be reported to the Head. 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 Permanently or Removed from the College.

- 2 **Suspension:** A pupil may be suspended from the College while a complaint is being investigated or while an investigation is suspended (see paragraph 5 below). Should a suspension continue for a period of more than five College days, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. 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, the pupil may be placed under a segregated regime on College premises.

Search: The College 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 it considers there is reasonable cause to do so. If necessary, the police would be called. See also the College's Policy for Searching Pupils or their Possessions.

- 3 **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). A minute of the interview will be recorded in writing by the interviewing member of staff.

- 4 **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.

- 5 **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.

Appendix 3 Disciplinary meeting with the Head

- 1 **Preparation:** Documents available at the disciplinary meeting with the Head will include:
 - 1.1 A statement setting out the points of complaint against the pupil or, where applicable, the parents.
 - 1.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - 1.3 The Investigation Report (usually conducted by a Deputy Head).

1.4 The pupil's school file and (if separate) conduct record.

1.5 The relevant College policies and procedures.

- 2 **Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and his/her investigation. The pupil may also be accompanied by a member of staff of their choice. Where the complaint concerns the behaviour of the parents, the pupil will not generally be expected to attend the meeting and this procedure applies to the parents only.

The pupil and their 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 additional 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 Head or Deputy Head so that appropriate arrangements can be made.

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

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

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

3.2 **The sanction:** If the complaint has been demonstrated adequately the Head will outline the range of disciplinary sanctions available. They 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 where the complaint concerns the conduct of the pupil. Then, or at some later time, normally within 24 hours, the Head will give their decision in writing, with reasons.

3.3 **Leaving status:** If the Head decides that the pupil must leave the College, they will consult with a parent before deciding on the pupil's leaving status (see below).

- 4 **Delayed effect:** A decision to Permanently Exclude or Remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from College 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.

5 **Leaving status**

5.1 **Explanation:** If a pupil is Excluded or Removed, his/her leaving status will be one of the following: Permanently Excluded, Removed or, if the offer is made by the Head and accepted by the parents, withdrawn by parents.

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

5.2.1 the form of letter which will be written to the parents and the form of announcement in the College;

5.2.2 the form of reference which will be supplied for the pupil;

5.2.3 the entry which will be made on the College record and the pupil's status as a leaver;

5.2.4 arrangements for transfer of any course and project work to the pupil, his / her parents or another school;

5.2.5 whether (if relevant) the pupil will be permitted to return to College premises to sit public examinations;

5.2.6 whether (if relevant) the College can offer assistance in finding an alternative placement for the pupil;

5.2.7 whether the pupil will be entitled to leavers' privileges;

5.2.8 the conditions under which the pupil may re-enter College premises in the future; or

5.2.9 financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

Appendix 4 Review

- 1 **Request for review:** A pupil or their parents may request a Review by the Governors of the Head's decision to Permanently Exclude or Remove a pupil [or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 school days or more or where such suspension would prevent a pupil from taking a public examination]. The application must be made in writing using the Request Form at Appendix 5 and received by the Clerk to the Governors within seven days of the Head'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 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. For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.
- 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 and will not include the Chair of Governors. Selection of the Panel will be made by the Clerk to the 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 names of the panel members.
- 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 Head's decision or refer the decision back to them with recommendations so that they may consider the matter further.
- 5 **Review meeting:** The meeting will take place at the College premises, normally within ten College working days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Head 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 simultaneously, where possible five days before the meeting. On receipt of new information not previously available to the Head before the decision was made, the Clerk should contact the Chair of Governors who will decide whether:
 - 5.1 to include the new information in the bundle; or
 - 5.2 to omit the information if not relevant to the grounds for Review; or
 - 5.3 to make further enquiries of the parents or the pupil about the information; or
 - 5.4 to refer the information to the Head for their 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.

Attendance: The Review Panel will normally interview:

- 5.5 the Head and any relevant member of staff whom the pupil or their parents have asked should provide information and whom the Head considers should attend in order to secure a fair outcome; and
 - 5.6 the pupil together with their parents and, if they wish, a member of the College staff who is willing to speak on the pupil's behalf. If the complaint concerns the behaviour of the parents, the pupil will not be expected to attend. 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 the parents directly and this person will not be permitted to act as an advocate or to address the meeting unless invited to do so by the Chair of the Panel.
- 6 **Procedure:** The Panel will consider each of the points raised by the and any documentation they wish to rely on so far as relevant to:
- 6.1 **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 Exclude or Remove the pupil. The civil standard of proof, namely, "the balance of probability", will apply; and
 - 6.2 **whether the sanction was proportionate** - that is whether it was warranted in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the College 's policy in that respect.
- 7 **Decision:** When the Chair decides that all issues have been sufficiently discussed the Panel will consider its decision and recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The Head will provide their response to those recommendations, if appropriate, in writing and ideally within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 5 Form for requesting a Review

To [•]

Subject [Name of pupil]

I/we request a Review of the Head's decision to permanently exclude or require the 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 subject to law and that the Head'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 Head's decision in accordance with the College'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 College 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 [• name] 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