



Permanent Exclusion Policy (Whole School including EYFS, Prep and Senior School)

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Other related policies and documents:	Admissions and Attendance Registers Alcohol, Smoking and Drugs Anti-Bullying (inc ref to peer-on-peer abuse) Complaints (School) procedures Behaviour, Rewards and Sanctions Policy Safeguarding (inc ref to peer-on-peer abuse) School Rules SEN and Disability

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I 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 Woodbridge 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.

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

Head: References to the Head may include Deputy Head Pastoral (Senior School - SS) or Head of Prep who may undertake an investigation on behalf of the Head.

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

Permanent Exclusion: A pupil may be formally permanently excluded/expelled from the School if it is proved on the balance of probability that a pupil has committed a very grave breach of discipline or a serious criminal offence. Permanent Exclusion is reserved for the most serious breaches or is the final discipline sanction to be administered after a series of fixed term internal and/or external exclusions.

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

- (a) the pupil has committed a breach or breaches of School rules or discipline for which Removal is the appropriate sanction; or
- (b) 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
- (c) if the parents have treated the School, members of its staff or any member of the School community unreasonably.

At the sole discretion of the Head, the parents may be permitted to withdraw the pupil from the School as an alternative to Removal being required.

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.

2 Policy statement

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

- to support the School's Rules and Code of Conduct
- 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 **Misconduct:** The main categories of misconduct which may result in permanent exclusion or removal include but are not limited to:

- 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, computer hacking, inappropriate internet or social media activity
- persistent attitudes or behaviour which are inconsistent with the School's ethos
- other serious misconduct or safeguarding concern 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 **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 is 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.

2.4 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School, that they remain at the School.

3 Procedure

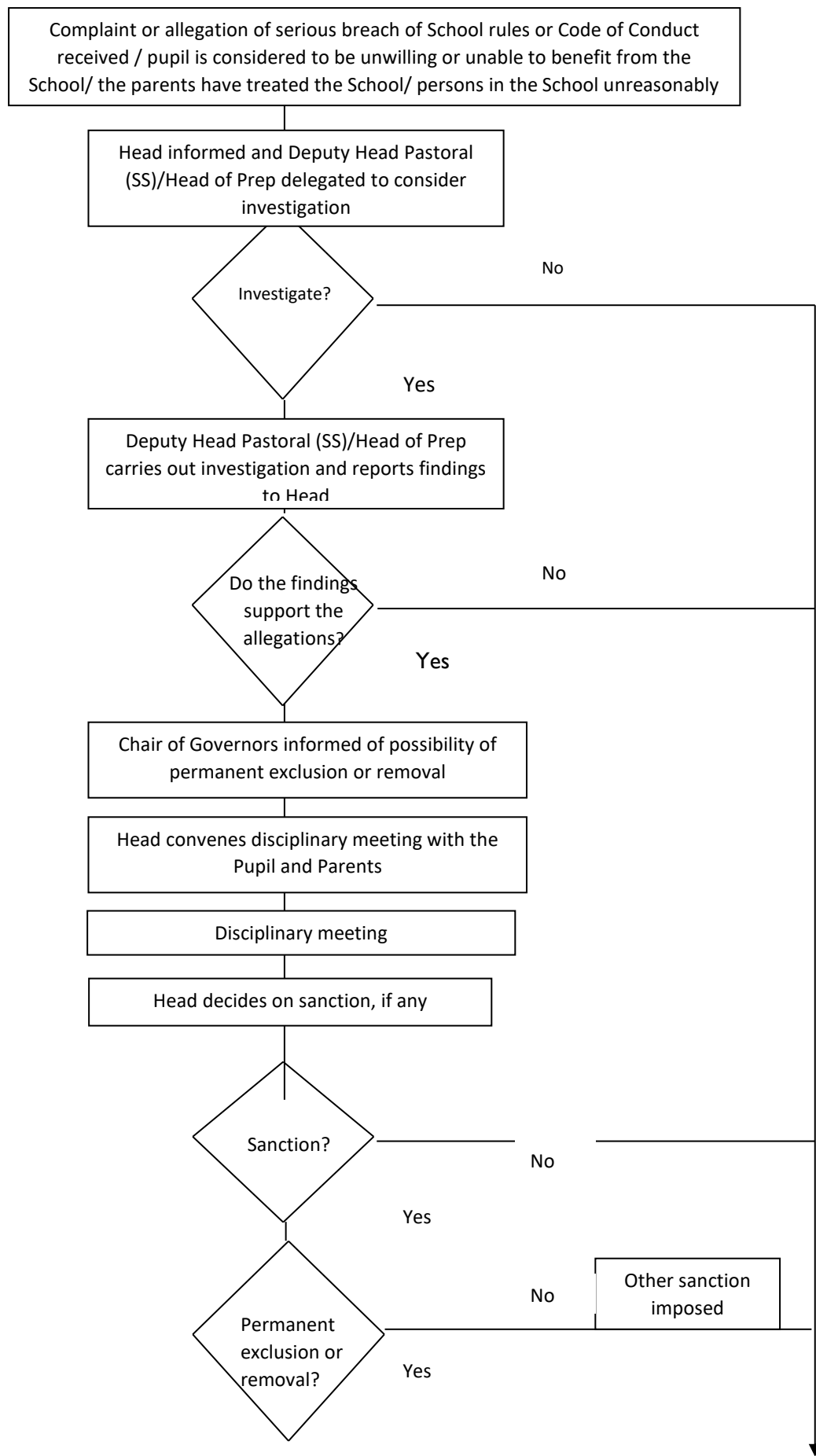
3.1 **The procedure:** The procedure followed by the School in cases where a sanction of permanent exclusion or required removal may be imposed by the Head are summarised in the flowchart at **Appendix 1** to this Policy. The three stages of this procedure are as follows:

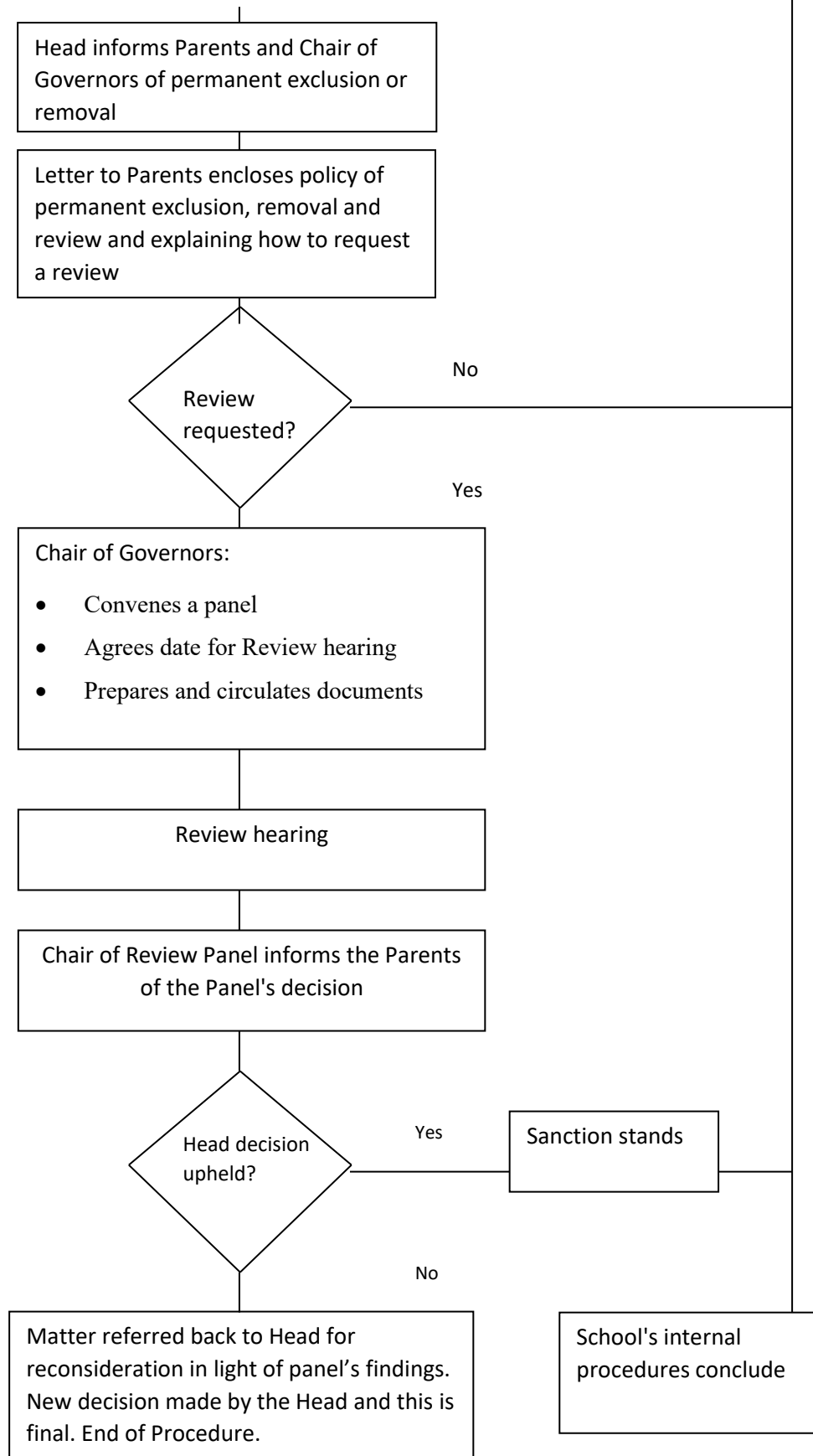
- 3.1.2 **Investigation procedure** - further details of the procedures to be followed at this stage are set out in **Appendix 2**
- 3.1.3 **Disciplinary meeting with the Head** - further details of the disciplinary meeting are set out in **Appendix 3**.
- 3.1.4 **Governors' Review meeting** - further details of the Governors' Review meeting are set out in **Appendix 4**.

4. Compliance and Monitoring arrangements

This policy will be subject to a thorough review process including consideration at the Education Committee on a 3 yearly basis. This will ensure that practice across the whole school is in line with this policy, the Complaints procedure and with current guidance and legislation.

Appendix I Procedural flowchart





Appendix 2 - Investigation procedure

1. **Complaints:** A complaint or allegation about a breach or breaches of School Rules or Code of Conduct 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 School or parents have treated the School, members of its staff or any member of the School community unreasonably will be investigated. This investigation will normally be co-ordinated by the Deputy Head Pastoral (SS) or Head of Prep, 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 expelled or removed from the School.
2. **Suspension:** A pupil may be temporarily suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a temporary suspension 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 pupil. The relevant senior member of staff will co-ordinate these arrangements with the pupil's parents or guardians. 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 School premises.
3. **Search:** We may decide to search a pupil's space and belongings to aid an investigation and ask them 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 the School's policy on searching and confiscation in the Behaviour and Discipline Policy for details about the School's power to search.
4. **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. . 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. A minute of the interview will be recorded in writing by the interviewing member of staff.
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.
6. **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.
7. **Outcome of investigation:** The Head will be kept informed as to the progress of the investigation and will proceed in accordance with one of the following options:
 - 7.1 It is agreed that there is no case to answer or that the breach of the School Rules is minor and a minor infringement sanction is imposed in accordance with the School's Behaviour, Rewards and Sanctions Policy.
 - 7.2 The pupil admits their involvement in the incident and after due consideration of the investigation report and the circumstances, the Head concludes that the appropriate sanction is a fixed term internal/external exclusion. The decision will be communicated to the parent or guardian in by telephone and followed up in writing

and the pupil will be sent home. If the parents disagree with this course of action, they will be invited to meet with the Head and the pupil will remain excluded in the meantime.

- 7.3 The investigation continues and a disciplinary meeting with the Head is arranged in accordance with Appendix 3.

Appendix 3 - Disciplinary meeting with the Head

1. **Preparation:** The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Head 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 Deputy Head Pastoral (SS)/Head of Prep (or investigator's) Investigation Report

the pupil's School file and (if separate) conduct record

the relevant School 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 investigator will explain the circumstances of the complaint and their investigation.

The pupil may also be accompanied by a member of the pastoral/Prep team. 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.

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.

If the parents or the pupil 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 Head or the Deputy Head Pastoral (SS)/ Head of Prep so that appropriate arrangements can be made.

If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. 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 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. Unless the Head considers that further investigation is needed, they 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 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 proved the Head will outline the range of disciplinary sanctions which they consider are open to them. The Head 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 3 school days, the Head will give their decision, with reasons.

- 3.3 Fixed Term Exclusion:** If the Head decides the appropriate sanction is a fixed term internal/external exclusion, this will count retrospectively from the first day of the pupil's suspension from the School during the investigation process.
- 3.4 Leaving status:** If the Head decides that the pupil must leave the School, 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 School premises. If within seven days the parents have made a written application for a Review by the Governors, the pupil shall remain suspended appropriate work will be sent home 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 permanently excluded or removed, their leaving status will be one of the following: permanently excluded, removed or if the offer is made and accepted withdrawn by parents.
- 5.2 Detail:** 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 that the pupil has left
 - the form of 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, their 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
 - whether the pupil will be entitled to leavers' privileges
 - 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; refunded of prepaid fees.

Appendix 4 - Governors' Review

1. **Request for review:** A pupil or their parents may request a Governors' Review of the Head's decision to permanently exclude or require a pupil to leave, or where a decision has been made to externally exclude a pupil for 11 Schooldays or more, or where this external exclusion would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at **Appendix 5** and received by the Chair of Governors via 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 the Clerk to the Governors 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 Governors' Review.
3. **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 normally include the Chair of Governors. Selection of the Review Panel will be made by the Chair of Governors. 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. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School.
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 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 Head 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 Head before their 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 Review; or

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

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. This 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

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

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 legal proceedings and so legal representation is not necessary. The Chair of Governors must be given seven days' notice if the friend or relation is legally qualified. The parents should note that the 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 Hearing unless invited to do so by the Chair of the Panel.

If the pupil or the pupil's parents experience difficulty in attending due to a disability or the parent's travel and working commitments prevent them from attending, the School will make reasonable alternative arrangements to ensure the pupil and / or their parents can be involved in the Review.

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. Minutes of the main points which arise at the meeting will be taken. 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.

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

whether the facts of the case were sufficiently proved 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 normally 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 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 the Governors or the meeting Note Taker 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, they may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's 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 school days of the meeting. The Head will provide their response to those recommendations in writing within 3 school days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 5 - Form for requesting a Governors' Review

To The Chair of Governors

Subject [Name of pupil]

I/we request that a sub-committee (**Panel**) of the Board of Governors carries out a Review of the Head's decision to expel 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 and that the Head's decision following consideration of the recommendations made by the Governors' Review 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 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