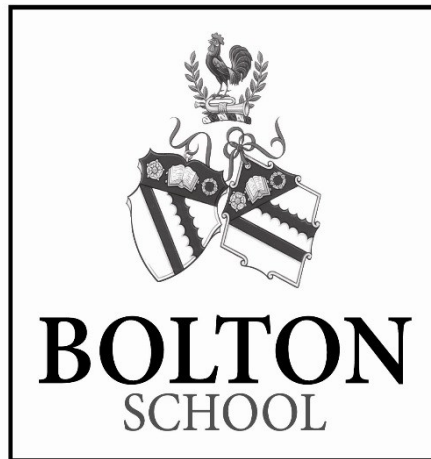


BOLTON SCHOOL



EXCLUSION, REMOVAL & REVIEW POLICY & PROCEDURE

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1 Introduction

1.1 **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 his / her parents.

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

Head: references to the Head mean the Head of Primary Division, Head of the Girls' Division or Head of the Boys' Division as appropriate to the pupil's setting and may include his/her Deputy.

Parent: includes one or both of the parents, a legal guardian or education guardian. The term is used to include anyone with parental responsibility under the Children's Act 1989.

Exclusion: A pupil may be formally excluded from the School if it is proved on the balance of probabilities that s/he 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 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 School; or
- (b) if the parents have treated the School, members of its staff or any member of the Foundation 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 relevant School's Behaviour and Discipline Policy.

2 Policy statement

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

- 2.1.1 to support rules and policies on behaviour and discipline within each of the Foundation's schools/ settings;
- 2.1.2 to ensure procedural fairness and natural justice;
- 2.1.3 to promote co-operation between the Foundation and parents when it is necessary for a School within the Foundation to require a pupil to leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in 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, or alcohol 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 persistent attitudes or behaviour which are inconsistent with the School 's ethos;
 - 2.2.7 other serious misconduct (single or repeated episodes) which affects the welfare of a member or members of the School community or which brings the School into disrepute, whether this conduct occurs on or off School premises.
- 2.3 **Equality:** The Foundation will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where exclusion needs to be considered, the Foundation 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 needs might hinder this. Any protected characteristics affecting the pupil will also be considered.

3 Procedure

- 3.1 **The procedure:** The procedure followed by Schools within the Foundation in cases where a sanction of Exclusion or Removal may be imposed by the Head consists of three stages, as follows:
- 3.1.1 **Investigation procedure**
 - 3.1.2 **Disciplinary meeting with the Head**
 - 3.1.3 **Review meeting**

Investigation procedure

- 1 **Complaints:** An allegation, 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 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 a Deputy/ Assistant Head, and its outcome will be reported to the Head. Parents will be informed in writing by the Head as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being Excluded or Removed from the School. Where the misconduct involves persistent attitudes or behaviour rather than a single event, the Head will write to the parents as soon as he / she is aware that a pattern of behaviour is developing into a serious matter which could result in the School's exclusion policy being invoked.
- 2 **Suspension:** A pupil may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a 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. 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 (Internal Suspension).
- 3 **Search:** The School 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.

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 relevant School's Behaviour and Discipline Policy for the School's policy on searching and confiscation.)

- 4 **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 him / her to be accompanied by a member of staff of his / her 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 or by another person present at the interview.
- 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.

Disciplinary meeting with the Head

- 1 **Preparation:** The Chair of Governors will be informed of the meeting. 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 Deputy Head's (or other member of staff's) Investigation Report;
 - 1.4 the pupil's school file and (if separate) conduct record;
 - 1.5 the relevant School policies and procedures.
- 2 **Attendance:** The pupil and his / her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head or other member of staff will explain the circumstances of the complaint and his / her investigation. The pupil may also be accompanied by a member of staff of his / her 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 his / 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 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 Deputy Head so that appropriate arrangements can be made prior to the meeting.

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 child's education.

- 3 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
 - 3.1 **The complaints:** 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 sufficiently proved the Head 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 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 his / her decision in writing, with reasons.
 - 3.3 **Leaving status:** If the Head decides that the pupil must leave the School, he / she will consult with a parent before deciding on the pupil's leaving status (see below).
- 4 **Delayed effect:** A decision to 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 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: 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 School;
 - 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 School 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 School premises to sit public examinations;
 - 5.2.6 whether (if relevant) the School 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 School premises in the future;
- 5.2.9 financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunds and prepaid fees.

Review

1 **Request for review:** A pupil or his / her parents may request a Review by the Governors of the Head's decision to 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 1 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 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. For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.

Review Panel: The Review will be undertaken by a three member panel. The panel will include two members of the Governing body and one independent member. 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. Parents will be notified in advance of the names of the panel members. The Head of Foundation may be invited to the governor panel in an advisory capacity.

The independent member will have no connection with the management or running of the School. (The type of person who might constitute 'an independent member' is someone who has held a position of responsibility and who is used to analysing evidence and putting forward balanced arguments/ points. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force.)

3 **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 him / her with recommendations so that he / she may consider the matter further.

4 **Review meeting:** The meeting will usually take place at the School premises, normally within ten School days after the parents' application has been received. Virtual meetings may take place on occasion when meeting in person is not possible or appropriate given the circumstances. Such virtual mediums as 'zoom' or 'Microsoft teams', whichever the meeting organiser deems to be the most appropriate given the situation and circumstances, may be used. 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 at least three days before the meeting. On receipt of new information not previously available to the Head before his/her decision was made, the Clerk should contact the Chair of Governors who will decide whether:

- 4.1 to include the new information in the bundle; or

- 4.2 to omit the information if not relevant to the grounds for Review; or
- 4.3 to make further enquiries of the parents or the pupil about the information; or
- 4.4 to refer the information to the Head for 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.

5 **Attendance:** Those present at the Review meeting will normally be:

- 5.1 members of the Review Panel and an appointed Clerk;
- 5.2 the Head and any relevant member of staff whom the pupil or his / her parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome;
- 5.3 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. 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 **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 the parties 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 **Procedure:** The Head will provide the parents with a copy of the Review procedure. 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:

- 7.1 **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
- 7.2 **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 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.

- 8 **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she will conclude the meeting and 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 his / her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 1: Form for requesting a Review

To Clerk and Treasurer, Bolton School

Subject [Name of pupil]

I/we request a Review of the Head's decision to 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 as defined in the Children's Act 1989 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 and Treasurer 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