

# PERMANENT EXCLUSION AND REMOVAL POLICY AND PROCEDURE

Downe House aims to operate a clear and just pupil exclusion policy. All pupils are expected to abide by the School's Behaviour Management Policy (including the School Code of Conduct and the School Rules).

## Key definitions:

*Head/Headmistress:* Where the Head is unavailable, the Deputy Head or another member of the Leadership Team may make key decisions.

*Working days:* This refers to standard days of the working week (Monday to Friday, excluding Bank Holidays) during term time.

*Parent:* Where appropriate, 'Parent' may be substituted for 'Guardian' or another responsible adult.

*Expulsion:* This term refers to the formal decision by the School to permanently remove a pupil following serious misconduct.

*Requirement to leave:* refers to where the permanent removal of a pupil is required by the Headmistress but without the stigma of expulsion.

*Removal:* This term refers to a decision to remove a pupil from the School, which may occur during an investigation.

## PERMANENT EXCLUSION OFFENCES

A non-exhaustive list of the sorts of serious misbehaviour that could merit permanent exclusion includes the following, regardless of whether they took place within School or outside School premises or School time. The Headmistress reserves the right to consider prior offences when making a decision on any disciplinary matter including suspensions or exclusions.

- Serious or repeated bullying, including cyber bullying.
- Discrimination
- Sexual misconduct
- Involvement with or use of illegal and/or controlled substances
- Serious or repeated alcohol misuse
- Malicious damage to property
- Theft
- Persistent disruptive/antisocial behaviour
- Parental behaviour
- Serious contravention of the School's IS Acceptable Use policy
- Serious contravention of the School's Internet Social Networking Policy for Pupils
- Serious contravention of the School's Behaviour Management Policy
- Behaviour which puts or is likely to put the reputation of the School in jeopardy
- Behaviour which impacts or is likely to impact negatively on the School community
- Illegal actions
- Extremist or radicalised behaviour

Review Date: May 2023 - DHM

## **PROCEDURE FOR EXCLUSION**

A fair and thorough investigation will be held into the allegations made against an individual pupil.

### **The Investigation**

1. This investigation will normally be carried out by the pupil's Housemistress/Housemaster or a Member of the Leadership Team, other than the Headmistress, as is most appropriate together with, where appropriate and possible, a neutral member of staff e.g. school nurse.
2. A search of the pupil's room or belongings may be necessary as part of the investigation, in line with the Behaviour Management Policy (Annex 2)
2. The purpose of the investigation will be to establish the facts and statements will be taken as appropriate from pupils and staff involved in the incident or who witnessed the incident. Statements will be signed by the witness and dated. The statements should also be countersigned by the person taking it.
3. The pupil will be informed of the allegation and the evidence relied upon by the investigating officer in an interview and will be given the chance to respond to these allegations.
4. The investigation will be subject to periodic review and may be paused at any stage if the School has reason to do so, or if the School is advised to do so by the police or social services.

### **Informing Parents**

1. Depending on the nature of the alleged offence, it may be necessary for the pupil to be suspended whilst an investigation is carried out. In this instance, parents will be informed immediately. In other cases, parents would normally be informed after the initial investigation but in good time before the Hearing. If the pupil's suspension continues for more than five working days, and if circumstances allow, arrangements will be made for the pupil's education to continue; the Housemistress will co-ordinate this.

### **Outcome of the Investigation**

It is likely that the Investigation will result in one of the following three outcomes:

1. Case to Answer: In this instance, there will be a Hearing (see below);
2. A Breach of Rules which warrants a lesser sanction than exclusion or removal;
3. Exoneration.

The member of staff conducting the investigation will produce a report for the Head which will include relevant evidence relating to the allegation made against the pupil.

### **External Bodies**

1. The police, social services or other appropriate external bodies will be involved if appropriate or required.

### **The Hearing**

1. Parents will be notified of a Hearing in reasonable time, i.e. there will normally be 10 working days' notice of a Hearing in writing.
2. The Hearing will normally be chaired by the Headmistress.
3. Parents will be given copies of all the evidence, including witness statements and will be asked for any written submissions from parents/the pupil to be provided for circulation within a reasonable timeframe, typically 7 working days before the Hearing.
4. Appropriate arrangements will be in place to accommodate any special requirements (eg. SEND) which the pupil or parent may have.
4. The Headmistress will be accompanied by another member of the School staff who has not previously been involved in the matter. He/she will be the minute taker too.
5. The pupil is encouraged to attend the Hearing.
6. The pupil's parents may be accompanied at the Hearing by a supporter as long as this person is identified in advance of the Hearing. This will not be a legal representative and s/he would not be able to make representations.

7. Witnesses may be asked to attend but other pupils will only be in attendance if necessary and with their parents' consent.
8. The Hearing will not be recorded but a full minute taken and retained on file. This will include the names and roles of all those present, all written documents considered, the oral evidence given and the decision reached, including the reasons stated.
9. At the Hearing, the Headmistress will set out how the Hearing will be conducted and the role of those present.
10. The School, normally the investigating officer, will present its case and read aloud any witness statements.
11. Parents/ the pupil will be able to ask questions and then present their case.
12. The Headmistress will have the opportunity to ask any further questions to ensure all the facts have been established as clearly as possible.
13. The Hearing will be adjourned to allow the Headmistress to consider her decision. It is important to note that in such an investigation the burden of proof is of a civil standard, based on the balance of probabilities. Parents will be informed as to the timing of the decision and how they will be informed. The decision will be confirmed in writing if the original decision is given verbally. The decision letter will normally be sent within one working day of the Hearing and will state the following: the decision in relation to each/the charge; the sanction and when it takes effect; the reasons for the decision; and to whom the parents may appeal and the deadline for doing so. The decision to exclude takes effect 7 working days after parents have been notified of the decision to permanently exclude; during this period the pupil remains suspended and this is the period when parents can request a review of the decision by the Governing Body (see below).

### **Leaving Status**

In the event that a pupil is permanently excluded, the following will be clarified by the School:

- the form of announcement that the pupil has left;
- the content of any reference which may be required by the pupil;
- the arrangements for transfer of any course and project work to the student, their parents or another school;
- whether the pupils is permitted to return to the School to sit public examinations;
- whether the School will offer assistance in finding an alternative school;
- whether the pupils is allowed back on site under any circumstances;
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

### **Governors' Review**

1. Parents have the right to appeal against the decision made by the Headmistress by lodging an appeal in writing to the Chairman of Governors, normally within 7 working days of receipt of the exclusion decision letter. The letter must state the grounds for the appeal and the outcome they seek.
2. The purpose of the Governors' Review is to consider the grounds of appeal raised by the parents, so far as these are relevant to whether the pupil committed the disciplinary offence in question and whether exclusion is a reasonable response.
3. The Chairman will arrange for the Governors' Review to be heard by two members of the Governing Body and one person who is independent of the running of the School. None of the panel members will have detailed previous knowledge of the case. Parents will be notified of the names of panel members in advance so they have the opportunity to object to one or more of them; however, the parents must provide a reason for their objection and this must be accepted as legitimate by the School's Chair of Governors.
4. The Governors' Review will take place as soon as practicable and normally within ten working days of the grounds of appeal being received.
5. New evidence may be presented by either the School or the pupil/parents as long as it is relevant to the issues covered directly in the original Hearing and is circulated well in advance to all parties.
6. The Governors' Review will follow a very similar format to the Hearing.
7. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents within three working days of the meeting. The Head will provide her response to those

recommendations, if appropriate, in writing within three working days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

### **Suspensions**

1. If parents request a Governors' Review, the pupil will be suspended from School until the decision to permanently exclude or remove has been set aside or upheld. While suspended, the pupil will remain away from the School and will have no right to enter the School premises during that time without prior written permission from the Headmistress.

This policy must be read in conjunction with the Behaviour Management Policy, the Internet Social Networking Policy for Pupils, the School Code of Conduct, the School Rules, and the contract between the Parents and the School.

### **Confidentiality**

1. Exclusion cases should be treated by all parties in the strictest confidence. However, confidentiality cannot, and therefore should not, be guaranteed to any witness or party whose evidence may be relied upon.

This policy makes reference to the following School policies, copies of which can be located on SchoolBase in the 'Document Library' section:

Behaviour Management Policy (Reviewer: DH)

Internet Social Networking Policy for Pupils (Reviewer: DH)

IS Acceptable Use (Reviewer: DIS)

### **Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
	October 2014	Reviewed	Areti Bizior
	October 2015	Reviewed	Areti Bizior
	May 2016	Reviewed	Areti Bizior
	May 2017	Amended and reviewed	Areti Bizior
	May 2018	Reviewed	Areti Bizior
	May 2019	Reviewed	Areti Bizior
	May 2019	Reviewed	Areti Bizior
	October 2020	Reviewed	Michelle Scott
	May 2021	Reviewed	Phil Wise
	May 2022	Reviewed	Matthew Godfrey

**Review Leader:** Deputy Head

**Reviewed:** May 2022

**Next review:** May 2023

Review Date: May 2023 - DHM