



## Exclusion, Removal and Review Policy

This policy is the responsibility of the Headmistress to review and is updated biennially.

### 1 Introduction

At Malvern St James ("the School") our community is based upon honesty, consideration, kindness, courteous, respect and tolerance.

1.1 The School aims to encourage pupils to adopt the highest standards of behaviour, principles and moral standards and to respect the ethos of the School. We encourage the establishment of good teacher/pupil relationships and support for the School's values through a system of rewards and sanctions which are designed to promote a calm, disciplined learning environment. The School's Rewards and Sanctions Policy contains full details of the School's reward system.

1.2 **Scope:** This Policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded (whether temporarily or permanently), required to leave 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 her parents.

1.3 **Interpretation:** "Parent" includes one or both of the parents, a legal guardian or education guardian. "Exclusion" may be temporary (i.e. suspension) or permanent (i.e. expulsion). "Removal" means that a pupil has been required to leave and has been voluntarily withdrawn by their parents.

#### 1.4 Aims:

- to support the School's Code of Conduct;
- to ensure procedural fairness;
- to promote co-operation between the School and parents when a pupil is to leave the School.

### 2 Policy statement

2.1 Where misconduct occurs, sanctions are implemented in line with the School's Rewards and Sanctions Policy. The vast majority of disciplinary offences committed by pupils at the School can be adequately dealt with under that Policy, which should be read in conjunction with this Policy. In the event that a pupil's behaviour is sufficiently serious or persistent, it may be necessary to exclude a pupil from the School, either temporarily or permanently.

2.2 Misconduct which may result in permanent exclusion or removal includes but is not limited to:

- possession / use of certain drugs and substances or their paraphernalia or substances

intended to resemble them, whether on or off the School's premises, supply, or inciting the use of illegal drugs, or being in possession of them with the intent to supply;

- misconduct of a sexual nature including sexting;
- behaviour which puts the safety of herself or others in jeopardy;
- possession or use of unauthorised firearms or other weapons;
- serious breaches of the School's Code of Conduct;
- being charged with a criminal offence;
- theft, fraud or any form of dishonesty (including action calculated to assist others in such activity) and unauthorised possession of any property belonging to the School or any other pupil or member of staff;
- using any social networking website or other form of social media to publish any matter disparaging the School or any member of its staff or another pupil;
- serious or consistent bullying (including cyber-bullying), harassment or unlawful discrimination;
- blackmail, physical violence, intimidation, racist or dangerous conduct;
- serious misuse of the School's technology and telecommunications systems including accessing material which is illegal or illicit, pornographic, subversive, abusive or offensive;
- persistent breaches of the Drugs and Substance Policy in relation to alcohol and tobacco;
- vandalism and computer hacking;
- wilful damage to School property or the property of other pupils, staff or visitors;
- contravention of the School Code of Conduct during examinations;
- persistent attitude or behaviour which are inconsistent with the School's ethos;
- any form of abuse or unlawful discrimination including but not limited to the grounds of race, religion, belief, disability, gender, special educational needs or sexual orientation;
- verbal abuse or threatening behaviour;
- fighting;
- other serious misconduct towards a member of the School community or which brings the School into disrepute (single or repeated episodes) on or off the School premises.

A permanent exclusion may also be imposed by the School as a sanction for a series of minor misdemeanours.

2.3 **Other circumstances:** A pupil may be required to leave if, after appropriate consultation, the Headmistress is satisfied that it is not in the best interests of the pupil, or other pupils at the School or staff of the School or the School generally, that she remains at the School.

### 3 Investigation procedure

3.1 **Complaints:** All misbehaviour or disciplinary incidents will be dealt with by the School as soon as it is possible to do so. Investigation of a complaint or allegation about serious misconduct to establish the facts will be co-ordinated by the appropriate member of the Senior Leadership Team, normally the Deputy Head. The findings of the investigation are presented to the Headmistress for consideration. Parents will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded or required to leave.

- 3.2 **Suspension:** While an investigation takes place, a pupil may be suspended from School and required to stay at home with her Parent or guardian. Alternatively, following consultation with the parents and at the discretion of the Headmistress, she may be placed under a segregated regime on School premises. Whilst suspended the School will take such reasonable steps to continue to provide the curriculum to the pupil.
- 3.3 **Search:** The School reserves the right to search pupils and their possessions 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. If necessary, the police will be called. If the pupil refuses to co-operate with a search that refusal will be treated as serious misconduct for which she may be subject to exclusion or removal.
- 3.4 **Informal interview:** A pupil will usually be given the opportunity to give their account of events and to put forward any mitigating circumstances. Pupils and staff may also be asked to prepare written statements as soon as possible after the incident has taken place. A pupil may be interviewed informally by a member of staff to establish whether there are grounds for the reported complaint and/or for a formal investigation. The School is not required to inform the parents that an informal meeting is to take place but shall arrange for a member of staff other than the member of staff conducting the interview to be present to support the pupil. A pupil who is waiting to be interviewed may be segregated as appropriate and the School may confiscate a pupil's mobile phone or other personal belongings for such period as deemed necessary.
- 3.5 **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.

#### **4 Disciplinary meeting**

- 4.1 **Preparation:** If the outcome of the investigation is that there is a case for the pupil to answer for which expulsion is a possible outcome, and/or the pupil has been suspended pending the outcome of the investigation, the Headmistress will convene a meeting to consider the matter. Notice of the meeting will be given to the parents and the pupil as soon as is reasonably possible. The Chair of Council will be informed of the investigation and that a disciplinary meeting is to be held but shall have no part in the investigation or meeting. The following documents will be made available to the parents and the pupil where possible before the meeting together with any other documents felt to be material to the matters to be discussed:
- a statement setting out the points of complaint;
  - written statements and notes of the evidence supporting the complaint, and any relevant correspondence subject to any obligations of confidentiality and data protection concerns;
  - any written statement made by the pupil responding to the complaint and any written statements in support of the pupil's response to the matter
  - the investigation report;
  - the relevant school policies and procedures
  - any other documentation considered appropriate.

- 4.2 **Attendance:** The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Headmistress. If the parents are unable to attend the disciplinary meeting the pupil may be accompanied by another close relative, guardian or by a member of staff. The parents will be required to confirm in advance the name and relationship of any person who will accompany the pupil to the meeting. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but the anonymity of any pupils who have made statements will be preserved and they will not be required to attend a meeting.
- 4.3 **Procedure:**
- 4.3.1 **The complaints:** The process to be followed at the disciplinary meeting will be determined by the Headmistress. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances. Usually, the investigator will outline the complaints or allegations. The pupil and her parents or companion will have an opportunity to provide their account of the circumstances surrounding the incident and both the pupil and parents will be able to ask questions. The Headmistress will consider the complaint/s or allegations and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headmistress considers that further investigation is needed, she will decide whether the complaint has been sufficiently proved on the balance of probabilities. The proceedings will not be tape-recorded. A minute will be kept of the main points which arise at the meeting and a copy of the minutes will be provided to the parents after the meeting if requested. All those present will be entitled, should they wish, to write their own notes. If the Headmistress considers that further investigation is needed, the meeting may be adjourned and the reason for this adjournment will be explained to the pupil. If an adjournment is not necessary, the Headmistress will give a written decision and the appropriate sanction, together with reasons for those decisions, within 5 days of the meeting.
- 4.3.2 **The sanction:** If the complaint has been proved (on the balance of probabilities), the Headmistress will usually consider the pupil's disciplinary record in reaching her decision on the appropriate sanction. Normally within 24 hours, the Headmistress will give her decision. The Headmistress will confirm her decision in writing, within 5 working days of the date on which the disciplinary meeting took place.
- 4.3.3 **Leaving status:** If the Headmistress decides that the pupil must leave the School, she will consult a parent before deciding on the pupil's leaving status (see below).
- 4.4 **Delayed effect:** A decision to exclude or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall be suspended and away from school premises. If an application for a Review by Council has been received and is compliant with the requirements of 6.1, the pupil shall be deemed temporarily excluded until the review has taken place.

## 5 Leaving status

- 5.1 **Explanation:** If a pupil is expelled or required to leave, her leaving status will be one of the following: "excluded", "removed" or "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, her 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 eligible for membership of the Malvern St James Old Girls' Association and if so from what date;
- 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; refund of prepaid fees.

## 6 School Council Review

6.1 **Request for review:** A pupil or her parents, upon notification of the Headmistress's decision to exclude or require a pupil to leave, may make a written application for a School Council Review. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to a parent, or longer by agreement. If the decision is made by the parents to withdraw the pupil, there will be no right of review.

6.2 **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.

6.3 **Review Panel:** The Review will be undertaken by a three-member sub-committee of the School Council. 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.

6.4 **Review meeting:** The meeting will take place at the school premises as soon as possible, normally between 3 and 10 working days after the parents' application has been received. A Review Meeting is an internal procedure and all those who are concerned in it are required to keep its proceedings confidential. The documents of 4.1; the Headmistress's letter stating her decision following the Disciplinary Meeting and any other relevant information from the school or on behalf of the pupil should be received by the attendees no later than 48 hours before the review meeting.

6.5 **Attendance:** Those present at the Review Meeting will normally be:

- members of the Review Panel and the Clerk to the Governors;
- the Headmistress and any relevant member of staff whom the pupil or her parents have asked should attend and whom the Review Panel considers should attend in order to secure a fair outcome;

- the pupil together with her parents who may be accompanied by a friend or relation who is not legally qualified, who may speak on the pupil's behalf and represent the pupil and parents but may not answer questions put to the pupil by the Review Panel. The parents will be required to confirm in advance (and no later than 48 hours before the review meeting) the name of any person who will accompany them to the review meeting.

6.6 **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. The Clerk will be asked to keep a minute of the main points which arise at the meeting and a copy of the minutes will be provided to the parents after the meeting if requested. The proceedings will not be tape-recorded without prior permission and then only by the official minute taker to assist with creating accurate minutes. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair of the Review Panel 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 his/her discretion adjourn or terminate the meeting. If the meeting is terminated without reaching a conclusion, the original decision will stand.

6.7 **Identification:** If the Headmistress considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair of the Review Panel may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair at his/her discretion may then direct that the person be identified or not to the parents, as the case may be.

6.8 **Decision:** The Panel will consider the grounds for the review and shall decide whether to:

- uphold the decision of the Headmistress; or
- recommend the decision of the Headmistress be reviewed and recommend an alternative sanction

6.9 **Decision:** The decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chair of the Review Panel or the Chair of Governors by letter or telephone within three days of the conclusion of the last Review meeting.

## 7 Confidentiality

7.1 All those participating in the application of this Policy including parents and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.

**Authorised by**

Resolution of the School Council

**Signature**

A handwritten signature in black ink, appearing to read 'Allmore', with a long horizontal flourish underneath.

**Date**

26 June 2020

**Effective date of the Policy**

26 June 2020

**Review date**

March 2022

**Circulation**

Members of School Council / teaching staff / all staff / parents / pupils [on request]