



## DAUNTSEY'S SCHOOL

### EXCLUSION, WITHDRAWAL AND REVIEW POLICY

#### Introduction

1. This policy contains guidelines which will be adapted as necessary explaining the circumstances under and manner in which a pupil may be excluded or withdrawn from the School. The policy applies to all pupils at the School whether or not in the care of the School but does not cover cases when a pupil has to leave because of non-payment of fees.

#### Definitions

2. Fixed-period (or temporary) exclusion means that a pupil has been sent home for a limited period of time either as a result of a disciplinary sanction or while waiting for the outcome of an investigation.
3. Permanent exclusion means that a pupil has been required to leave the School permanently.
4. Withdrawal means that the parents have withdrawn or removed their child from the School.

#### Policy statement

5. The main categories of breaches of School discipline which may result in permanent exclusion are:
  - a. Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and nicotine.
  - b. Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
  - c. Misconduct of a sexual nature; supply and possession of pornography.
  - d. Cyber-bullying, consensual and non-consensual sharing of nudes and semi-nude images.
  - e. Possession or use of unauthorised firearms or other weapons.

- f. Vandalism and computer hacking.
  - g. Other serious criminal offences.
  - h. Persistent attitudes or behaviour which are inconsistent with the School's ethos, the Code of Conduct or the School Rules.
  - i. Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
  - j. A serious breach of School discipline.
  - k. Being out of bounds without permission in boarding accommodation.
6. Parents may be required to withdraw a pupil from the School if after consultation with the parents and, if appropriate, the pupil the Head is of the opinion that:
- a. The parents' behaviour or conduct is unreasonable, adversely affects your child's or other children's progress at the School or the wellbeing of School staff, brings the School into disrepute or is not in accordance with the Terms and Conditions;
  - b. The pupil's attendance or progress at the School is unsatisfactory or the withdrawal is in the School's best interests or those of your child or other children;
  - c. The pupil's conduct or behaviour (including outside School), is unsatisfactory or the withdrawal is in the School's best interests or those of your child or of other children:
  - d. the School is unable to meet your child's needs, including cases where the School cannot accommodate adjustments or provide the nature or level of support required by your child
  - e. the School cannot provide for a Pupil's special educational needs.

### **Investigation procedure**

7. *Complaints:* The Head will normally appoint a member of the Senior Management Team to investigate a complaint or suspicion about serious misconduct and write an Investigation Report. 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, permanently excluded or removed.
8. *Fixed-period Exclusion:* A pupil may be excluded from boarding and/or from the School for a fixed period of time and required to live at home or with their parents or guardian either as a sanction or as a neutral act while a significant complaint is being investigated. Alternatively, a pupil may be placed under a segregated regime at school premises. Fixed-

period exclusion does not imply that any decision has already been taken about the allegations.

9. *Search:* It may be necessary to search a pupil's space and belongings and ask them to turn out the contents of pockets or a bag, if it is considered there is reasonable cause to do so. See Searching the Possessions of a Pupil Policy.
10. *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 and subject to the School's discretion). A pupil who is waiting to be interviewed may be segregated, but should be made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet, telephone (if requested) and adequate food and drink.
11. *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.

### **Disciplinary meeting**

12. *Preparation:* The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head will include:
  - a. A statement setting out the points of complaint against the pupil.
  - b. A summary of the pupil's disciplinary record.
  - c. Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - d. The Investigation Report.
  - e. The relevant school policies and procedures.

Parents will be provided with copies of the documents listed above in advance of the disciplinary meeting. The Head shall ensure that sufficient time is provided to parents to prepare for the disciplinary meeting, with due regard to avoiding unnecessary delay in proceedings. Where the facts of the case are unlikely to be in dispute, and by mutual and written agreement between the Head and parents, these procedures may be adapted, shortened or revised to avoid prolonging uncertainty or anxiety for the pupil and parents.

13. *Attendance:* The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Head at which the investigating officer will explain the circumstances of the complaint and the investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil and their parents will have an opportunity to state their

side of the case. Members of staff will be available to join the meeting if needed, and their statements will be disclosed but, in some cases, the anonymity of pupils will be preserved.

14. *Proceedings:* There are potentially two distinct stages of a disciplinary meeting:
  - a. *The complaint:* 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, ie. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence.
  - b. *The sanction:* If the complaint has been proved the Head will outline the range of disciplinary sanctions which are open to them. The Head will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record and any other relevant mitigating factors will be taken into account. Then, or at some later time, normally within 24 hours, the Head will give their decision, with reasons.
15. *Delayed Effect:* A decision to permanently exclude a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain excluded for a fixed period and away from school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain excluded for a fixed period until the Review has taken place.

### **Leaving status**

16. *Explanation:* The pupil may be permanently excluded from the School. At the sole discretion of the Head, withdrawal of the pupil by the parents may be permitted as an alternative to permanent exclusion being required.
17. *Detail:* Additional points of leaving status include:
  - a. The form of reference which will be supplied for the pupil.
  - b. Arrangements for transfer of any course and project work to the pupil, their parents or another school.
  - c. Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
  - d. Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
  - e. Whether the pupil will be entitled to leavers' privileges.
  - f. The conditions under which the pupil may re-enter school premises in the future.

## Governors' Review

18. *Request for Review:* A pupil or their parents aggrieved at the Head's decision to exclude on a fixed-period or permanent basis or require a pupil to be withdrawn by their parents may make a written application for a Governors' Review. The written application must be made using the form included in the appendix to this policy. The application must be received by the Head within 72 hours of the decision being notified to a parent, or longer if the Head consents.
19. *Grounds for Review:* In their written application the parents must state the grounds on which they are asking for a review and the outcome which they seek.
20. *Review Panel:* The Review will be undertaken by a three-member committee of the Board of Governors (subject to the proviso set out in the final sentence of this paragraph). 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 Clerk to the 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. Parents may ask for the appointment of an independent panel member nominated by the Clerk and approved by the parents and the School, such approval not to be unreasonably withheld.
21. *Pre-Meeting:* Prior to the Review Meeting taking place, the Clerk to the Governors will seek to ensure that all the parties have the documents relevant to the Review. The parents should provide to the Clerk any documents that they wish to refer to, that have not been included in the circulated papers. Any procedural issue arising prior to the Review meeting shall be determined by the Chair of the Review Panel.
22. *Review Meeting:* The meeting will take place at the School premises. The Review Panel will endeavour to meet within 15 days of receipt of the parents' application. A Review will not normally take place during school holidays. 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.
23. *Attendance:* Those present at the Review Meeting will normally be:
  - a. Members of the Review Panel and the Clerk to the Governors or their deputy.
  - b. 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.
  - c. The parents and, if they wish, up to two members of staff who are willing to represent the pupil. Parents are not normally permitted to bring legal representatives to the meeting but may be accompanied by a non-legally qualified friend or relation. Parents should note that the Review Panel will wish to speak

with parents directly and that the friend or relation will not be permitted to act as an advocate and may only address the Review Panel if invited to do so by the Chair. (The pupil should also be in attendance, but it is not necessary that they are present during or throughout the Review Meeting).

24. *Conduct of Meeting:* The meeting will be chaired by one member of the Review Panel. The Clerk to the Governors will record a hand-written minute of the main points which arise at the meeting and/or such other record of the meeting as the Chair of the Review Panel considers appropriate. All those present will be entitled, should they wish, to write their own notes. The Chair will conduct the meeting to ensure that all those present have the opportunity of asking questions and making appropriate comment. The Chair may at their discretion adjourn or terminate the meeting.
25. *Procedure:* The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to establish:
  - a. Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil; and
  - b. Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline.

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 note their dissatisfaction and the reasons for it.

26. *Identification:* If the Head considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair 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 their discretion may direct that the person be identified, or not as the case may be.
27. *Pupil's Character:* Subject to the consent of the Chair of the Review Panel, the parents may arrange for up to two members of the school staff to speak generally about the pupil's character, conduct and achievement at the School, provided the member(s) of staff is/are willing to do so.
28. *Decision:* The Decision of the Review Panel is final. There will be no further right to appeal under this procedure, and no right to bring a complaint under the School's Complaints Procedure relating to action taken under this policy. The Review Panel will endeavour to notify the parents of its decision, with reasons and in writing, within three working days of the meeting.

Bursar

Reviewed: June 2023

Next Review: June 2024

**APPENDIX**

**REQUEST FOR REVIEW OF A DECISION BY THE HEADMASTER TO EXPEL  
OR REQUIRE A PUPIL TO BE REMOVED FROM SCHOOL**

**Name of Pupil:** \_\_\_\_\_

I/We request that a sub-committee ("Panel") of the Board of Governors reviews the decision of the Head to expel or require removal of the above named pupil.

I/We agree that:

- the Review will be carried out in accordance with the procedure supplied to us with this form and I/we agree to abide by the terms of the procedure.
- the proceedings are and will remain confidential
- the Governors' Review will be final, subject to such (if any) legal rights 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.

I/We understand that we may be accompanied at the Review Meeting by a non-legally qualified friend or relation. We further understand that 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.

The specific grounds upon which we seek a Review, the matters which we wish to discuss and ask the Panel to take into account are set out in the statement attached to this sheet.

Name & Relationship to Pupil:

Name & Relationship to Pupil:

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Signature:

Signature:

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