

Exclusion, expulsion and removal

Contents

1 Policy statement.....	2
2 Early Years – Nursery and Reception Classes.....	3
3 Prep and Senior School	3
4 Levels of Exclusions	3
4.3 Temporary Exclusion.....	3
4.4 Removal at the Headmaster’s Request.....	4
4.5 Permanent Exclusion.....	4
5 Notifying Parents of the Decision to Exclude.....	5
6 Appeal Process	5
7 Summary of process.....	6
8 Investigation procedure	6
9 Disciplinary meeting.....	7
9.5 Delayed Effect	8
10 Leaving status.....	8
11 Local Governing Body Review	8
Document Information	11

1 Policy statement

1.1 Embley seeks to create a caring and safe environment, conducive to learning. The school aims to promote good behaviour and discipline and recognises that exclusion is a serious matter and has the potential to affect the student's life chances in a significant way.

1.2 Decisions in respect of exclusion, therefore, will not be taken lightly, but only after careful consideration and in circumstances which are fair. Care will be taken to ensure that students are only excluded after all the relevant factors have been considered and when the Headmaster is convinced that there is no alternative.

1.3 The school will ensure that parents are involved at an early stage in issues concerning behaviour and discipline which may lead to exclusion. This Exclusion, Expulsion, Removal and Review policy should be read in conjunction with the school's Admissions Policy and Behaviour and Discipline Policy.

1.4 A pupil may be excluded for a fixed period of time (temporary exclusion/suspension) or excluded permanently (expelled) from Embley, or parents may be asked to remove a pupil, or a pupil may be required to leave permanently for reasons of misconduct.

1.5 The main categories of misconduct at Embley which may result in exclusion, expulsion or removal are:

1.5.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.

1.5.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.

1.5.3 Misconduct of a sexual nature; supply and possession of pornography.

1.5.4 Possession or use of unauthorised firearms or other weapons.

1.5.5 Vandalism and computer hacking.

1.5.6 Persistent attitudes or behaviours which are inconsistent with the ethos of Embley.

1.5.7 Other serious misconduct towards a member of the school community or behaviour which brings Embley or the United Learning Trust into disrepute (single or repeated episodes) on or off school premises.

1.6 Action will be taken following a single offence where that offence is deemed to be sufficiently grave. In most cases, temporary exclusion will be the result of a first offence, although the Headmaster in the Senior School or Head of Prep School in the Prep School may at his or her discretion permanently exclude any pupil for a first offence which is considered to warrant such a step.

1.7 In other instances, permanent exclusion may be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases parents will have been consulted before such a stage is reached in an attempt to correct the behaviour.

1.8 A pupil may also be required to leave if, after all appropriate consultation, the Headmaster in the Senior School or Head of Prep School in the Prep School is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains at Embley.

1.9 This policy applies to all members of our school community, including boarders and those in our EYFS setting.

1.10 Embley is fully committed to ensuring that the application of this Exclusion, Expulsion and Removal Policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.

1.11 Embley seeks to implement this policy through adherence to the procedures set out in the rest of this document.

1.12 This Exclusions, Expulsion, Removal and Review Policy should be read in conjunction with the school's Admissions policy and Behaviour and Discipline policy.

1.13 The aim of this policy is:

1.13.1 To ensure procedural fairness and natural justice.

1.13.2 To promote co-operation between Embley and parents when it is necessary for a pupil to leave earlier than expected.

2 Early Years – Nursery and Reception Classes

2.1 Exclusions would be extremely rare and would only take place if all other interventions mentioned in the Discipline and Behaviour Policy had failed.

3 Prep and Senior School

3.1 As above, exclusions would be extremely rare and would only take place if there had been a serious breach of school rules and/or all other interventions had failed.

3.2 Detailed pastoral records would show progress towards exclusion and would include records on any meetings/phone calls with child and parents.

4 Levels of Exclusions

- a) Temporary exclusion or fewer than 15 school days in any one term
- b) Removal at the Headmaster's request
- c) Permanent exclusion

4.1 If students are sent home in response to a breach of discipline, even for short periods of time, this is an exclusion. It must be formally recorded as an exclusion.

4.2 The Headmaster will consult with the LGB and inform the Head of Independent Schools (United Learning) over serious disciplinary matters.

4.3 Temporary Exclusion

4.3.1 In the Early Years department and Prep School the decision to temporarily exclude a student would be made directly by the Head of the Prep School.

4.3.2 In the Senior School the decision to temporarily exclude would be made by the Deputy Head (José Picardo) in consultation with the Deputy Head Pastoral and with approval by the Headmaster.

4.4 Removal at the Headmaster's Request

4.4.1 This could occur, without a refund of the fees, as a temporary measure or as a permanent measure if the school feels that the parents are not supporting the school in its discipline and behaviour policy, particularly if the child's behaviour is seriously affecting the learning or welfare of other pupils, if the child is unable or unwilling to access the educational opportunities that the school offers. In such a case the Headmaster will help to negotiate a place at another school.

4.4.2 Before taking such a step the Headmaster would try all other ways to resolve the issues.

4.5 Permanent Exclusion

4.5.1 The Headmaster or Head of Prep School in the Prep School reserves the right to permanently exclude a pupil at any time if he is satisfied that the pupil's actions or behaviour have been a serious breach of the school code of conduct, has seriously damaged the school's reputation or for other reasons for which there is sufficient supporting evidence. In making his decision the Headmaster or Head of Prep School in the Prep School will consult with the Chair of the LGB and seek legal or United Learning advice if needed.

4.5.2 The Headmaster or Head of Prep School in the Prep School will also consult others who have knowledge of the circumstances and who might be expected to provide information and advice to the Headmaster or Head of Prep School in the Prep School prior to making the final decision. Checks will be made to ensure that the incident was not provoked, for example by bullying or by racial or sexual harassment.

4.5.3 The Headmaster or Head of Prep School in the Prep School will take into account the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976, as amended, and the Disability Discrimination Act 1995, as amended.

4.5.4 The student will always be allowed to give his/her version of events.

4.5.5 The Headmaster or Head of Prep School in the Prep School will invite the parents to a meeting to discuss the position and to allow them to make representation before coming to a final decision.

4.5.6 The Headmaster or Head of Prep School in the Prep School will tell the parents that he is minded to permanently exclude the student in advance of the meeting. If parents refuse to attend or are unable to attend having been given a reasonable opportunity to do so or if, in exceptional circumstances, e.g. the parents are overseas, such a meeting is, in the Headmaster's or Head of Prep School's judgement, not possible, the Headmaster or Head of Prep School in the Prep School must alert the Chair of the LGB to this situation.

4.5.7 In addition, the Headmaster or Head of Prep School in the Prep School must consult fully with the Head of Independent Schools and the Chair of the LGB before the decision is implemented. A written report of the exclusion will be sent to the Head of Independent Schools and Chair of the LGB.

4.5.8 Any child who is temporarily excluded, asked to leave or permanently excluded has no right of access to the school premises or staff without the permission of the Headmaster or Head of Prep School in the Prep School.

5 Notifying Parents of the Decision to Exclude

5.1 Following any exclusion, the Headmaster or Head of Prep School in the Prep School will write to the parents with the statement of decision, putting the decision to exclude in writing, stating the date the exclusion takes effect. The letter will explain:

5.1.1 The circumstances leading up to the decision to exclude.

5.1.2 Why the Headmaster or Head of Prep School in the Prep School decided to exclude the student

5.1.3 If relevant, what steps were taken to try and avoid the exclusion.

5.1.4 Details of any previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident.

5.1.5 The arrangements for enabling the student to continue his/her education, including the setting and marking of the student's work.

5.1.6 The parents' right to see and have a copy of their child's record.

5.1.7 The parents' responsibility to ensure their child is not in a public place in school hours during the first five days of an exclusion.

5.2 If the exclusion is for a fixed period, the letter will also state:

5.2.1 The length of the exclusion and the date and time the student should return to the school.

5.2.2 The arrangements for a parent interview at the end of the exclusion to discuss the process of reintegration.

5.2.3 The parents' right to appeal and the appropriate mechanism for that to happen.

6 Appeal Process

6.1 Appeals against exclusion can be made in accordance with the school's complaints procedures as documented on the school website and which is also available directly from the school.

7 Summary of process

7.1 Complaint or rumour of serious misconduct is investigated by Assistant Head Pastoral and Deputy Head in the SS and the Head in the PS



7.2 Report of investigation is given to Headmaster in the SS and Head of the PS in the PS



7.3 Headmaster in the SS and Head of the PS in the PS holds disciplinary meeting



7.4 Result of disciplinary meeting is communicated to parents



7.5 If parents appeal, LGB Review is held

8 Investigation procedure

8.1 **Ethos:** An investigation will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school, without formal legal procedures.

8.2 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head in the SS and the Head in the PS and its outcome will be reported to the Headmaster.

8.3 **Suspension:** A pupil may be suspended (excluded from school) while a complaint is being investigated.

8.4 **Search:** On suspicion, consent is sought for any searches of pupils' belongings or property e.g. lockers. Any searches are in the presence of a second adult witness. Individuals should be aware that if consent is refused the school may proceed in calling the Police or the parent. By law physical searches of pupils are not allowed.

8.5 **Interview:** If a pupil is interviewed formally about a complaint it will take place with another adult present. Parents will be requested to accompany pupils in Year 6 and below or who, because of a special educational need, staff judge insufficiently mature to understand the significance of the process. In all circumstances the following protocols will be observed:

8.5.1 It will be explained that answers to questions will be written down

8.5.2 What has been alleged will be clearly explained (although confidentiality may not allow the accused to be told by whom)

8.5.3 Notes of the interview will be read through at the end and the pupil (or the parent accompanying them) and the witness will be asked to sign, date and time the notes

8.5.4 The next stages of the investigation will be explained

8.6 A statement is then written setting out the points of complaint. If deemed necessary, the Headmaster in the SS and Head of the PS in the PS will decide whether to continue.

9 Disciplinary meeting

9.1 **Ethos:** Any subsequent meeting will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school, without formal legal procedures.

9.2 **Preparation:** The Chair of the Local Governing Body will be informed of the investigation. Documents available at the disciplinary meeting before the Headmaster in the SS and Head of the PS in the PS will include:

- 9.2.1 A statement setting out the points of complaint against the pupil
- 9.2.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- 9.2.3 The Deputy Head in the SS and the Head in the PS Investigation Report
- 9.2.4 The pupil's school file and conduct record
- 9.2.5 The relevant school policies and procedures

9.3 **Attendance:** The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Headmaster in the SS and Head of the PS in the PS at which the Deputy Head in the SS and Deputy Head in the PS will explain the circumstances of the complaint and the investigation. The pupil may also be accompanied by a member of staff of his/her choice. 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.

9.4 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:

9.4.1 **The complaints** - the Headmaster in the SS and Head of the PS in the PS will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headmaster in the SS and Head of the PS in the PS considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. on the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence, but the Headmaster in the SS and Head of the PS in the PS will not normally refer to the pupil's disciplinary record at this stage.

9.4.2 **The sanction** - if the complaint has been proved the Headmaster in the SS and Head of the PS in the PS will outline the range of disciplinary sanctions which they consider are open to them and this may include exclusion from the school for a fixed period of time. They will take into account any further statement which the pupil and/or others present on his/her behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time (but within three working days) the Headmaster in the SS and Head of the PS in the PS will give their decision, with reasons.

9.4.3 **Leaving status** - if the Headmaster in the SS and Head of the PS in the PS decides that the pupil must leave the school, they will consult with a parent before deciding on the pupil's leaving status (see below).

9.5 Delayed Effect

9.5.1 A decision to expel or remove a pupil will take effect three working days after the decision was first communicated to a parent. Until then, the pupil will remain suspended and away from school premises.

9.5.2 If within three working days the parents have made a written application for a Review by the Local Governing Body, the pupil will remain suspended until the Review has taken place.

10 Leaving status

10.1 Explanation: If a pupil is expelled or required to leave, his/her leaving status will be one of the following: "*expelled*", "*removed*" or "*withdrawn by parents*".

10.2 Additional points of leaving status to be decided include:

10.2.1 The form of letter which will be written to the parents and the form of announcement in the school that the pupil has left

10.2.2 The form of reference which will be supplied for the pupil

10.2.3 The entry which will be made on the school record and the pupil's status as a leaver

10.2.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school

10.2.5 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations

10.2.6 Whether (if relevant) the school can offer assistance in finding an alternative placement for the pupil

10.2.7 Whether the pupil will be entitled to leavers' privileges

10.2.8 Whether the pupil will be eligible for membership of the Embley alumni society and if so from what date

10.2.9 The conditions under which the pupil may re-enter school premises in the future

10.3 **Financial aspects:** payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

11 Local Governing Body Review

11.1 **Request for Review:** A pupil or his/her parents, aggrieved at the Headmaster in the SS and Head of the PS in the PS decision, may make a written application for a Local Governing Body [LGB] Review. The application must be received by the Chief Executive within three working days of the decision being notified to a parent.

11.2 **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.

11.3 **Review Panel:** The Review will be undertaken by a three-member sub-committee of the Local Governing Body comprising of three members nominated by the Chair of the Local Governing Body. 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 Local Governing Body. 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.

11.4 Review Meeting: 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.

11.4.1 Attendance: Those present at the Review Meeting will normally be:

11.4.1.1 Members of the Review Panel

11.4.1.2 The Headmaster in the SS and Head of the PS in the PS and any relevant member of staff whom the Headmaster in the SS and Head of the PS in the PS, the pupil or his/her parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome

11.4.1.3 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. The parents may be accompanied by a friend or relation. [The Local Governing Body must be given 7 working days' notice if the friend or relation is legally qualified.]

11.4.1.4 A scribe to keep a written record of the main points of the meeting

11.4.2 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 proceedings will not be tape-recorded without the consent of both the Chair of the Review Panel and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the school. The scribe will be asked to keep a 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 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 of the Review Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

11.4.3 Procedure: The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:

11.4.3.1 Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "*the balance of probability*" will apply; and

11.4.3.2 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.

11.4.3.3 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 of the Review Panel at the time and ask the scribe to note their dissatisfaction and the reasons for it.

11.4.4 Identification: If the Headmaster in the SS and Head of the PS in the PS 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 of the Review Panel at his/her discretion may direct that the person be identified, or not as the case may be.



11.4.5 *Pupil's Character:* Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

11.4.6 *Leaving Status:* If, having heard all parties, the Panel is minded to confirm the Headmaster in the SS and Head of the PS in the PS earlier decision, it is open to the Panel, with agreement of the Head, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

11.4.7 *Decision:* When the Chair of the Review Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively, the Chair of the Review Panel may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, 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 Local Governing Body by letter within three working days of the meeting.

Document Information

Version Number	8.2
Reason for Version Change	Annual review
Name of owner/author	José Picardo
Name of individual/department responsible	Cliff Canning, Headmaster José Picardo, Deputy Head
United Learning Independent Schools/Academies/Both	United Learning Independent Schools
Target Audience	Public
Date Authorised	1 September 2024
Date issued	1 September 2024
Where available	United Learning Hub, School network, school web-site
Review Date	August 2025