

# **Staines Preparatory School**



## **Exclusion, Expulsion & Removal Policy**

**September 2023**

This policy is designed for Staines Preparatory School in meeting their obligations under Part 3, Paragraph 9 of the ISS Regulations, and the Statutory Framework for the Early Years Foundation Stage (EYFS). All of these require schools to have arrangements in place to promote good behaviour in school and that appropriate sanctions are imposed when a pupil fails to meet appropriate standards of behaviour. School policies on behaviour and exclusions must be widely publicised so that pupils, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions available.

The Headmistress, Governing Body and appeal/review panel members should all have regard to this overarching policy document when considering exclusions. Staines Preparatory School must ensure that any exclusion complies with school policies and the Terms and Conditions of the contract with parents as well as having regard to the school's wider legal obligations (such as those under the Equality Act 2010).

**Staines Prep School does NOT allow any form of corporal punishment.**

**For the purposes of this Policy 'suspension' refers to temporary exclusion; 'expulsion' refers to permanent exclusion from the School,** this means that a pupil is required to leave the School permanently if it is proved on the balance of probabilities that the pupil has committed a serious breach of discipline or a criminal offence. Expulsion is reserved for the most serious breaches; **'Removal'**: means that the permanent removal of a pupil is required if, after consultation with the parents and if appropriate the pupil, the Headmistress is of the opinion that: 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 the parents have treated the School, members of its staff or any member of the School community unreasonably.

Staines Preparatory School believes that exclusion is recognised as an appropriate sanction, however permanent exclusion should usually only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of serious and/or persistent breaches of the school's behaviour policy. During exclusions the Headmistress or Senior Leader should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil and others. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances and exclusions should only be instigated when all other routes have been exhausted and/or as detailed in this policy.

#### **Behaviour That May Merit Exclusion, Expulsion or Removal**

Examples of such behaviour include (this list is NOT exhaustive)

- Drug abuse
- Alcohol abuse
- Theft
- Possession of what may be taken to be an offensive weapon
- Bullying
- Cyber Bullying
- Physical assault/ threatening behaviour
- Fighting
- Sexual harassment
- Racist abuse
- Sexual misconduct
- Damage to property
- Persistent disruptive behaviour
- Parental behaviour
- Verbal abuse/threatening behaviour
- Behaviour that brings the School into disrepute
- Child on Child abuse

#### **Other circumstances**

A pupil may be required to leave if, after all appropriate consultation, the Headmistress is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at Staines Preparatory School.

The over-arching principle is a duty to act fairly. Whilst the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:

### **Stages of Exclusion**

The exclusions process will fall into three stages:

- Investigation
- Decision by the Headmistress
- Consideration of the Head's decision by a Stage 3 Panel – if requested by parents.

### **Investigation**

A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. After the informal interview, parents will be informed as to whether the pupil will face a formal investigation or be handled within the School's routine disciplinary procedures.

### **Formal Investigation**

Parents will be informed in writing as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded. In some cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required. In this case, the Headmistress may issue a fixed term exclusion for a short period (a maximum of 5 school days is advised) as a neutral act:

- to allow investigation to take place; and/or
- to give opportunity for a reasoned decision.

### **Decision by Headmistress**

Once the investigation is complete, a further letter will be issued containing one of the following:

- notification for the pupil to return to school;
- an extension to the fixed term exclusion (if reasonably required); or
- notification of temporary exclusion (The Headmistress may suspend a child for one or more fixed periods, of up to 10 school days each but no more than 45 days in any one school year.
- notification of a permanent exclusion.

In exceptional cases, usually where further evidence not available at the time of the investigation has come to light, a fixed term exclusion may be extended and/or converted to a permanent exclusion. Similarly, the Headmistress may choose to dismiss a fixed term exclusion in the light of new evidence.

### **Behaviour outside school**

The Headmistress has the authority to make disciplinary decisions about behaviour taking place on trips, outings, sporting fixtures, or travel/movement in the vicinity of the school. Subject to the requirements of this and the school's individual behaviour policy, the Headmistress may discipline pupils even if the circumstances giving rise to exclusion occur when the pupil is out of school. By way of example, this may apply in the following circumstances:

- **Misbehaviour when the pupil is:**
  - taking part in any activity organised by the School, or related to the School;
  - wearing school uniform or
  - in some other way identifiable as a pupil of the School.
- **Misbehaviour at any time, whether or not the conditions above apply, that:**
  - could have repercussions for the orderly running of the School;
  - poses a threat to another pupil or member of the public; or
  - could adversely affect the reputation of the School.

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media).

### **Police involvement and parallel criminal proceedings**

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances the school's own disciplinary process may need to be postponed pending the outcome of the police investigation. The School would liaise closely with the Police in such cases to avoid jeopardising any Police investigation. In such circumstances, an extended fixed term exclusion may be used (if appropriate).

### **Required removal**

Required removal would be an option for the Headmistress to consider as an alternative to exclusion. The Headmistress may require parents to remove a pupil when, in the professional opinion of the Head, there has been a breakdown in the relationship between the pupil and/or parent(s) and the School. This may arise through:

A breakdown of trust and confidence between the School and the parent(s). This may manifest itself in a number of ways, including:

- unreasonable behaviour or conduct of parents which adversely affects (or is likely to adversely affect) their child's or other children's progress at the school, or the wellbeing of staff and/or brings (or is likely to bring) the school into disrepute
- parent(s) not supporting the school in behaviour management
- vexatious behaviour, such as parents repeatedly bringing unsubstantiated claims
- abusive behaviour by parents to the school's staff, pupils or other parents (for example as a spectator at school fixtures).

A breakdown of trust between the School and the pupil. This may manifest itself in a number of ways, including:

- persistent misconduct such as unauthorised absence from school;
- unsatisfactory attendance and, in the reasonable opinion of the Headmistress, the removal is in the school's best interests and that of the child or other children;
- when a pupil has brought a malicious or unjustified allegation against a member of staff;
- Other circumstances where the Headmistress (after appropriate consultation) is satisfied that it is not in the best interests of the pupil, or of the School, that the child remains at the School.

### **Investigatory procedures**

All misbehaviour or disciplinary incidents will be dealt with by the School as soon as it is reasonably possible to do so. In the event of an incident of serious misbehaviour, an investigation would be carried out to establish the facts. An investigation of a complaint or allegation about serious misbehaviour may be coordinated by the Deputy Head or an appropriate member of senior staff. Parents would 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. To ensure a fair process, the pupil would be given the opportunity to give their account of events and to put forward any mitigating factors: this is important to establish whether there are grounds for the reported complaint and/or a formal investigation. The School would arrange for a member of staff to be present to support the pupil. A pupil who is waiting to be interviewed may be segregated and the School may confiscate a pupil's personal belongings (as appropriate) for such a period as it is deemed necessary. Due regard should also be had to any vulnerability and/or SEND the pupil may have any whether any additional support should be put in place.

If other pupils and staff are involved, it may be appropriate to speak with them and/or ask them to prepare written statements as soon as possible after the incident has taken place. The findings of the investigation should be presented to the Headmistress for consultation and consideration.

Exclusion is only used for serious or persistent misbehaviour. The following procedures will be followed if a child is excluded:

- Parents will be contacted to ensure someone can collect the pupil.
- Parents will be informed of the reasons for the suspension, which will be confirmed in writing.
- Parents will be told of the length of the suspension and re-admission arrangements.
- The child will be required to write letters of apology if appropriate.
- Arrangements will be made to have academic work sent home as required
- On return to School, the pupil will discuss their behaviour with a senior member of staff.

The parents of any pupil given an exclusion longer than two days will usually receive a written warning as to their child's future conduct. In some cases this may be a final warning as to their position in the School.

### **Exclusion (pending an investigation)**

While an investigation into a pupil's conduct is carried out, a pupil may be suspended from school and may be required to stay at home. Alternatively, the pupil may be placed under a segregated regime on school premises. When a pupil is suspended, teachers should set work to be completed by the pupil during their period of absence.

### **Searching and confiscations**

The School reserves the right to search pupils and their possessions and would ensure such searches are conducted in line with guidance on searches and confiscation issued by the DfE ([“Searching Screening and Confiscation”](#)) and the School's own behaviour policies.

### **Reports to the Police (and others)**

The school will usually report to the Police any activity which they reasonably suspect may amount to criminal activity which takes place either within the school grounds or outside of its grounds.

Possessions or items including (but not limited to) drugs, weapons or phones which are evidence of an offence must be passed to the Police as soon as possible. Any article that is reasonably suspected to be an offensive weapon must also be passed to the Police.

If schools reasonably suspect a pupil may have taken drugs then schools should seek immediate medical advice and involve the Police and/or children's social care, where necessary and appropriate.

In cases where a pupil is suspected or alleged to have committed an offence, such as rape, assault by penetration or sexual assaults, the starting point is that they should be passed to the Police. This will often be a natural progression of making a referral to children's social care. The school's designated safeguarding lead (or a deputy) should be leading the school's response and should be aware of the local process for referrals to children's social care and making reports to the Police. The alleged victim's parents will usually also be informed (subject to data protection and safeguarding considerations) of the incident and be told that the Police have been informed. Schools are referred to DfE guidance on Sexual Harassment and Sexual Violence for further information.

Schools would ensure their Safeguarding and Child Protection Policy is followed to ensure there is appropriate support in place for all pupils involved.

### **Disciplinary meeting**

A formal disciplinary meeting will follow where the investigation has identified a case for which permanent exclusion is a possible outcome.

### **Preparation for the meeting**

The Headmistress would convene a meeting to consider the matter and invite the pupil and their parents to attend the meeting. The Chair of Governors should be kept informed. Prior to the meeting, certain documents would be made available to the pupil (as appropriate to their age and understanding) and their parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the points of complaint;
- written witness statements;
- notes of the evidence in support of the complaint;
- the relevant school policies and procedures; and
- the investigation report.

Due regard would be had to confidentiality owed to other pupils and/or families and compliance with the school's data protection obligations. Documents may therefore require redaction or a summary provided instead. Any written submission provided by, or on behalf of the pupil, should be passed to the Headmistress before the disciplinary meeting (at least one full working day before the meeting to allow sufficient time for the Headmistress to review). The pupil should be in attendance throughout the disciplinary meeting and may be accompanied by a trusted adult (which may be a member of staff). The pupil's parents may similarly be accompanied, should they

wish. Legal representation is not appropriate/ permitted. Electronic recordings of meetings are not permitted but notes may be taken by any attendees. The Headmistress should be informed of all attendees at least 24 hours before the disciplinary meeting.

### **Proceedings**

The process to be followed at the disciplinary meeting shall be determined by the Headmistress but would be as informal as possible. The meeting would be conducted in a manner appropriate to the age, understanding and maturity of the pupil/s involved, taking into account any additional needs of the pupil/s in all circumstances. Notes would be taken by the school during the disciplinary meeting. The meeting would be followed up in writing, to confirm what was discussed and a copy can be shared with parents, if requested.

The pupil would have an opportunity to provide their account and both the pupil and their parents would be able to ask questions. The pupil/parents would also be able to address the Headmistress on the issue of sanctions.

If the Headmistress considers that further investigation is needed, the disciplinary meeting may be adjourned, and the reason for this adjournment should be explained to the pupil and their parents. If an adjournment is not necessary, the Headmistress would communicate her decision in writing as soon as reasonably practicable following the meeting and in accordance with any timeframe(s) set out in school policies. The Headmistress would include the reasons for her decision and the appropriate sanction. The pupil's previous disciplinary history may be taken into account, when reaching a decision.

Due regard would be had to any SEND the pupil may have and whether this may have contributed to the misconduct in question. Consideration must also be had to the school's obligations under the Equality Act 2010 where the pupil may be considered as having a disability.

### **Leaving status**

If the Headmistress decides that a pupil should leave the school, the pupil's parents may be consulted to determine the appropriate leaving status for that pupil (i.e. permanent exclusion, required removal or voluntary withdrawal by the parents). There is no obligation on the Headmistress to consult with parents. If the decision is made by the parents to withdraw the pupil, there should be no right to appeal.

Pupils who have permanently left the school, irrespective of leaving status, would not be permitted to re-enter school premises without prior consent from the Headmistress and may not be permitted to sit public examinations at the school, irrespective of the timing of the offence(s). The school may make arrangements for the transfer of any course and project work to either the leaving pupil, the parents or to another school.

### **Decision letter**

The Headmistress' decision letter would make clear to parents the disciplinary sanction that has been applied, the reasons for the decision (with reference to appropriate school policy and/or the terms of the contract, where applicable) and any right of appeal and how parents may exercise this. Where a pupil is permanently excluded, the sanction that will be applied to the pupil will be that of a permanent exclusion. This means that the pupil is permanently excluded unless and until the decision is overturned (such as following a review by a Stage 3 Panel on appeal). This means that the excluded pupil will not be allowed back into school unless the permanent exclusion is reversed.

### **Appeal Hearing**

An appeal process would be available to parents of a permanently excluded pupil or where the pupil is required to leave the school. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction) or where the pupil is withdrawn by the parents. The School will use the final (panel) stage of their Complaints Procedure (Stage 3). If parents wish to appeal the Headmistress's decision to exclude/require removal, this must be done within 72 hours of the decision. This timeframe supersedes the timeframes provided for in the Complaints Procedure when it relates to an appeal against the permanent exclusion/required removal of a pupil.

### **Request for review**

Upon notification of the Headmistress's decision to exclude or require a pupil to leave the School, parents may wish to appeal the Head's decision and request a Panel hearing under Stage 3 of the Complaints Procedure. The process

set out in Stage 3 of the Complaints Procedure must be followed. An application must be received by the Clerk to Governors within 72 hours of the decision being notified to the parents and clearly set out the grounds on which parents are asking for a review and the outcome that they seek.

### **Review hearing (under Stage 3 of the Complaints Procedure)**

The review would be undertaken by two members of the Governing Body and at least one person that is independent of the School, as per Stage 3 of the Complaints Procedure. None of the panel would have detailed prior knowledge of the case. Parents would be notified in advance of the names of the members making up the review panel. The meeting should take place at the School premises and within the timeframes set out in the school complaints policy.

A review meeting is an internal procedure and all those involved, or who are concerned in the procedure, would be reminded to keep its proceedings confidential. Those present at the hearing will usually be:

- members of the review hearing and the Clerk to the Governing Body;
- the Headmistress and any relevant members of staff whose presence the Head considers to be necessary to secure a fair outcome for the pupil; and
- the pupil (where appropriate)
- the pupil's parents and, if they wish, the parents may be accompanied by a friend or relation who is not legally qualified.

### **Conduct of the review hearing**

The review hearing would be chaired by one member. As with the disciplinary meeting, the hearing would be conducted in an informal, non-adversarial manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

Minutes would be taken of the meeting and a copy of the minutes can be provided to the parents after the meeting, if the parents so request. Parents may take their own notes of the meeting but electronic recordings are not permitted.

The Chair of the Panel would ensure that all those present have the opportunity to ask questions and make appropriate comment. The Chair of the Panel may at his/her discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the Head will stand.

### **Decision**

The Panel will consider the grounds for the review and may decide to either:

- uphold the decision of the Headmistress and, if minded to do so, with agreement of the Head, discuss the pupil's leaving status (i.e. permanent exclusion, required removal, or withdrawal) with a view to reaching an agreement; or
- if they wish, recommend the decision of the Head to be reviewed and, if minded to do so, recommend the Head reviews their decision including recommending an alternative sanction.

The decision should be notified, together with the reasons for the decision, to the parents by the Chair of the review hearing in writing.

### **Confidentiality**

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.