

**Exclusions, Removal and Review Policy**

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**King Edward's School, Birmingham**

September 2019

## 1 Introduction

1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from King Edward's School, Birmingham, or required to leave permanently 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 his parents.

1.2 **Interpretation:** The definitions in this clause apply in this policy.

**Chief Master:** references to the Chief Master may include deputies.

**Parent:** includes one or both of the parents, a legal guardian or education guardian.

**Temporary Exclusion:** means the suspension of a pupil from the school following serious misconduct for a fixed time.

**Permanent Exclusion (or Expulsion):** means the dismissal of a pupil from the School following serious misconduct formally recorded.

**Removal:** means that a pupil has been required to leave, but without the stigma of expulsion.

**Clerk to the Governors:** refers to the Executive Director of the Foundation or his appointed representative.

**School Working Days:** means Monday to Friday, when School is open during term time. The dates of terms are published on the School's website

## 2 Policy statement

2.1 **Aims:** The aims of this policy are:

- to support the School 's behaviour code
- to ensure procedural fairness and natural justice
- to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected.

2.2 **Exclusion Offences:** Although this is not an exclusive list, the main categories of misconduct which may result in expulsion or removal include:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- theft, blackmail, physical violence, intimidation, racism or bullying
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other weapons
- vandalism or computer hacking
- serious academic malpractice including plagiarism

- persistent attitudes or behaviour which are inconsistent with the School 's ethos
- other serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises.

2.3 The following very serious offences are likely to lead to **permanent exclusion**:

- Sexual abuse or assault
- Serious actual or threatened violence (including bullying) against other pupils or members of staff
- Involvement in the possession, use or supply of drugs or substances
- Repeated serious offences such as those outlined in Section 2.2 above

2.4 **Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where Permanent Exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and / or his parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

2.5 **Removal:** Parents may be required to remove a pupil permanently from the School if:

- The pupil has committed a breach or breaches of School rules or discipline for which removal is an appropriate sanction; or
- The behaviour of either the pupil or of the parents is likely to affect adversely the pupil's or other pupils' progress at the School or the well-being of School staff or bring the School into disrepute; or
- After consultation with the parents and, if appropriate, the pupil is unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School

2.6 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Chief Master is satisfied that it is not in the best interests of the pupil, or of the School, that he remains at the School .

### **3 Procedure**

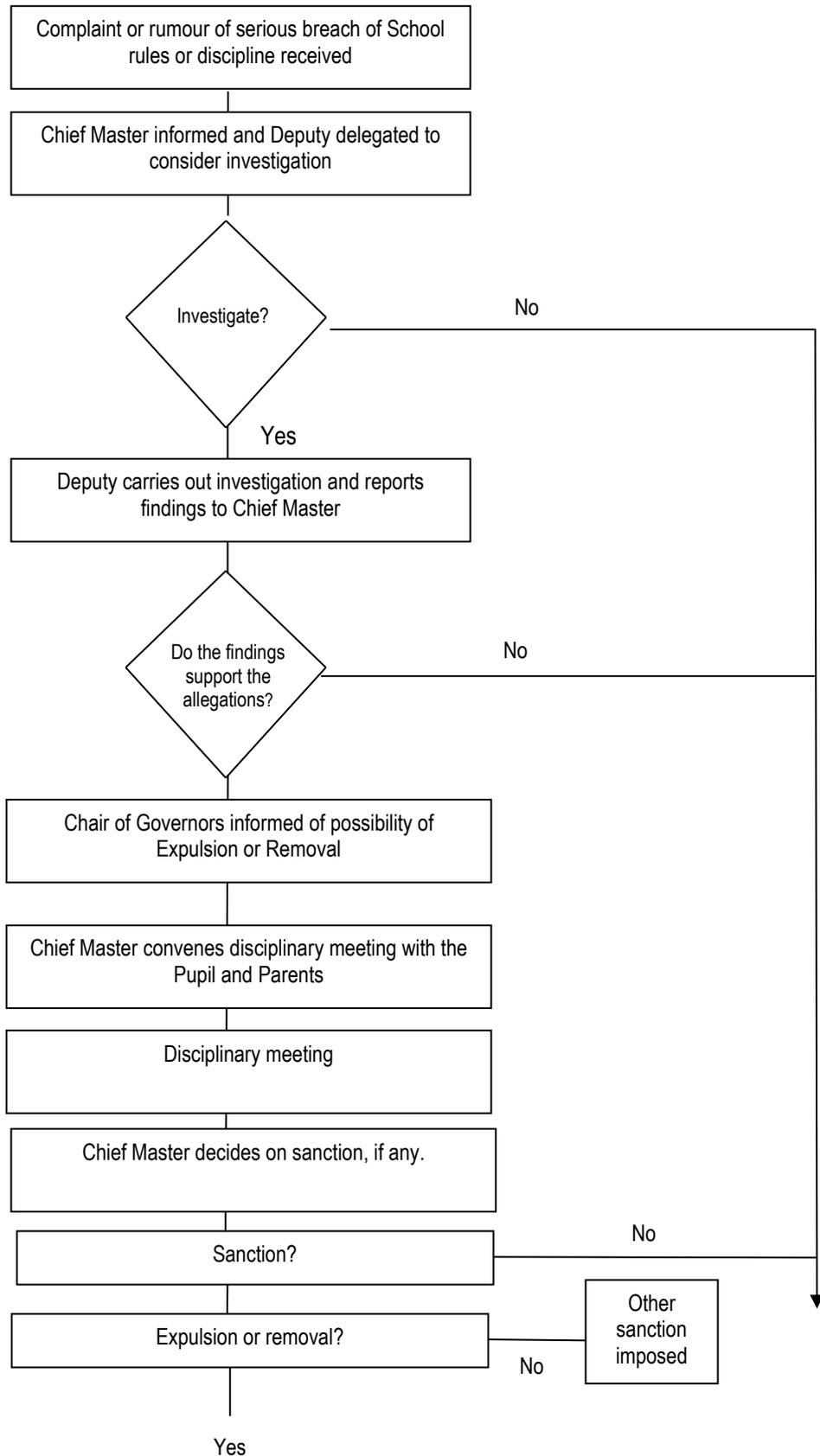
3.1 **The procedure:** The procedure followed by the School in cases where a sanction of Expulsion or Removal may be imposed by the Chief Master are summarised in the flowchart at **Appendix 1** to this Policy. The three stages of this procedure are as follows:

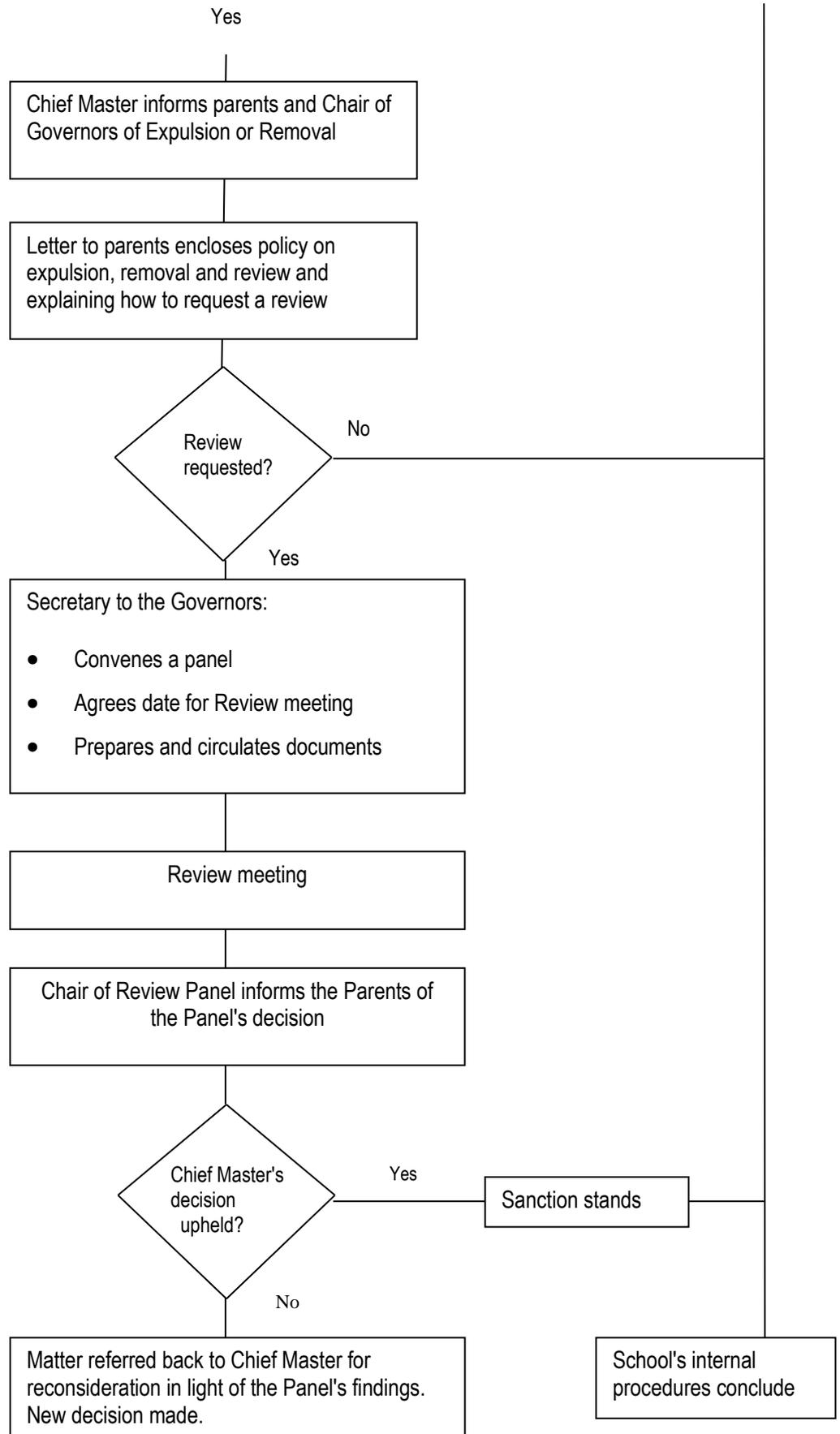
3.1.2 **Investigation procedure** - further details of the procedures to be followed at this stage are set out in **Appendix 2**

3.1.3 **Disciplinary meeting with the Chief Master** - further details of the disciplinary meeting are set out in **Appendix 3**.

3.1.4 **Review meeting** - further details of the Review meeting are set out in **Appendix 4**.

Appendix 1 Procedural flowchart





## Appendix 2 - Investigation procedure

1. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a Deputy Head, and its outcome will be reported to the Chief Master. 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 or Removed from the School.
2. **Suspension:** A pupil may be temporarily excluded from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a temporary exclusion continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. Parents should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set.
3. **Search:** It may be decided to search a pupil's space and belongings and ask him to turn out the contents of pockets or a bag, 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. Only outer clothing will be searched. If necessary, the police would be called. See also the School's Behaviour and Discipline Policy for details about the School's power to search.
4. **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 of serious misconduct, a second member of staff should be present. A pupil may necessarily be isolated for periods of time in order to ensure the integrity of the investigation but access to food, drink and toilet breaks will be ensured.
5. **Statements:** written statements will be taken, where possible, from adults and pupils who witnessed the incident(s). Such statements should be signed and dated.
6. **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.
7. **Suspension of an investigation:** It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.
8. **Outcome:** in the case of a temporary exclusion, the parents will be contacted as soon as possible after the Chief Master has made a decision to exclude a pupil temporarily. The Chief Master will send a letter to the parents within two working days, a copy of which will be sent to the Chairman of ISGB. The letter will clearly state:
  - The reason for the temporary exclusion
  - The length of the exclusion
  - The date the pupil is permitted to return to school

- Any conditions attached to the temporary exclusion
- The arrangements for the pupil's return to school.

### Appendix 3 - Disciplinary meeting with the Chief Master (Permanent Exclusion and Removal only)

1. **Preparation:** When the investigation is complete, a disciplinary meeting with the Chief Master will be arranged and the Chair of Governors will be informed of the matter. Documents available at the disciplinary meeting before the Chief Master will include:

- a statement setting out the points of complaint against the pupil
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the Deputy Head's Investigation Report
- the pupil's school file and (if separate) conduct record
- the relevant School policies and procedures.

2. **Attendance:** The pupil and his parents (if available) will be invited to attend the disciplinary meeting with the Chief Master at which the Deputy Head will explain the circumstances of the complaint and his / her investigation.

The pupil and his parents will have an opportunity to state their side of the case.

If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Deputy Head so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process.

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

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

3.2 **The sanction:** If the complaint has been proved the Chief Master will outline the range of disciplinary sanctions which he considers are open to him. He 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 will be taken into account. Then, or at some later time, normally within 24 hours, the Chief Master will give his decision, with reasons.

3.3 **Leaving status:** If the Chief Master decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

4. **Delayed effect:** A decision to expel or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from School premises. If within seven days the parents have made a written application for a Review of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

5. **Leaving status**

5.1 **Explanation:** If a pupil is Permanently Excluded (Expelled) or Removed, his leaving status will be one of the following: Permanent exclusion (Expelled) or Removed

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
- 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, his 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 entitled to leavers' privileges such as attendance at end of term / year events and membership of the alumni association
- 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; refunded of prepaid fees.

## Appendix 4 - Review

1. **Request for review:** A pupil or his parents may request a Review of the Chief Master's decision to Permanently Exclude (Expel) or Remove a pupil. The application must be made in writing using the Request Form at **Appendix 5** and received by the Executive Director of the Foundation within seven days of the Chief Master's decision being notified to the parents, or longer by agreement with the Chief Master. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made.
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.
3. **Review Panel:** The Review will be undertaken by a three member sub-committee of the Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents. Selection of the Panel will be made by the Clerk to the Governors. With the exception of the Chair of Governors, those members of the Governing Body not appointed to the Panel will not be provided with information about the case. 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.
4. **Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Chief Master's decision or refer the decision back to him with recommendations so that he may consider the matter further.
5. **Review meeting:** The meeting will take place at the School premises, normally within 21 school days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Chief Master will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties at least three days before the meeting. On receipt of new information not previously available to the Chief Master before his decision was made, the Clerk should contact the Chair of Governors who will decide whether:
  - to include the new information in the bundle; or
  - to omit the information if not relevant to the grounds for Review; or
  - to make further enquiries of the parents or the pupil about the information; or
  - to refer the information to the Chief Master for his consideration as to whether the decision should be revisited.

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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

6. **Attendance:** Those present at the Review meeting will normally be:
  - members of the Review Panel and an appointed Clerk

- the Chief Master and any relevant member of staff whom the Chief Master considers should attend in order to secure a fair outcome
- the pupil together with his parents. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

7. **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 meeting will not be recorded but the Clerk will be asked to keep a hand-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 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, the original decision will stand.

The order of business will be as follows:

- After introductions, the Chief Master will present his report explaining the reasons for the decision, followed by any witnesses (who will only be required to attend the part of the hearing in which they give their evidence).
  - The parent(s) may question both the Chief Master and the witnesses after each has spoken. The panel may ask questions at any point.
  - The parent(s) are then invited to make their case followed by their witnesses (if any).
  - The Chief Master may question both the parent(s) and the witnesses after each has spoken.
  - The Chief Master is then invited to sum up the School's actions.
  - The parent(s) are then invited to sum up their case.
  - Both parties then leave together while the panel decides on the issues. The Chair explains that both parties will hear from the panel within the set time scale.
8. **Procedure:** The Chief Master will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the points raised by the pupil or his parents and any documentation they wish to rely on so far as relevant to:
- **whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to expel or require the removal of the pupil. The civil standard of proof, namely, "the balance of probability", will apply and

- **whether the sanction was proportionate** - that is whether it was warranted in respect of 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.

The requirements of natural justice will apply. If for any reason the pupil or his 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.

9. **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively, the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Chief Master and the parents by the Chair of the Review Panel within three working days of the meeting. The Chief Master will provide his response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Chief Master's decision will then be final.

## Appendix 5 - Form for requesting a Review

To Executive Director, Schools of King Edward VI in Birmingham

Subject [Name of pupil]

I/we request a Review of the Chief Master's decision to Exclude or Remove of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential subject to law and that the Chief Master's decision following consideration of the recommendations made by the Panel will be final, subject to such legal rights (if any) 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 Chief Master's decision in accordance with the School 's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/we understand that we may be accompanied at the Review meeting by a friend or relation and that I/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. If I/we wish to bring a friend or relation who is legally qualified I/we will provide seven days' notice as required.

I/we will inform the Executive Director if I/we have any special needs or disabilities requiring additional facilities or adjustments.

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

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number

