



King Edward's Independent Schools

Fixed Period/ Permanent Exclusions, and Review Policy

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FIXED PERIOD/ PERMANENT EXCLUSIONS, AND REVIEW POLICY

1 INTRODUCTION

- 1.1 This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded (or expelled) from King Edward's School or King Edward VI High School for Girls (in each case, 'the school'), or removed for misconduct or other reasons (see the definitions of these sanctions below). The policy applies to all pupils at the schools but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parent(s) or carer(s). This policy should be read in conjunction with the School's Behaviour Policy, Drugs and Harmful Substances Policy, and Anti-Bullying Policy. This policy will be operated in accordance with the Equal Opportunities Policy.
- 1.2 The following definitions apply in this policy:
- **Head of School/ Second Master:** references to the Head of School/ Second Master, may include Deputies acting in the Head of School/ Second Master's absence.
 - **Parent:** includes one or both of the parents, a legal guardian or education guardian.
 - **School days:** means Monday to Friday, when school is open during term time. The dates of terms are published on the school's website.
 - **Fixed-Term Exclusion:** means the suspension of a pupil from the school following serious misconduct for a fixed period; this is noted on the pupil's school record.
 - **Permanent Exclusion (or Expulsion):** means the dismissal of a pupil from the school following serious misconduct; this is noted on the pupil's school record.
 - **Removal:** means that a pupil has been required to leave the school, but without the label of Permanent Exclusion / Expulsion; this is noted on the pupil's school record.
 - **Clerk to the Governors:** Reference to the Clerk to the Governors refers to the Chief Executive Officer of the Foundation or his / her appointed representative.

2 POLICY STATEMENT

- 2.1 The aims of this policy are to:
- support the school's Behaviour Policy and the School Aims;
 - ensure procedural fairness and natural justice;
 - 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 Reasons for Exclusion: A decision to exclude a child for a fixed period or permanently should be taken only:
- (a) Where there has been a serious breach, or serious breaches, of the school's discipline policy and/or any related policies such as the school rules, Acceptable Use Agreement, anti-bullying policy and drugs policy

- (b) Where there has been a build-up of incidents over time, which, in the professional judgement of the Head of School/ Second Master, constitutes a concerted flouting of the school's rules and regulations

2.3 Although this is not an exhaustive list, the main categories of misconduct which may result in fixed-term or permanent exclusion or removal include:

- supply/possession/use of certain drugs and solvents, or their paraphernalia, or substances intended to resemble them, or alcohol or tobacco whilst on school premises, representing the school or wearing school uniform, travelling to or from school, on school-organised trips, or being associated with the school – see the Drugs and Harmful Substances Policy for more detail, including our definitions of “drugs”, “substances”, “alcohol” and “tobacco”.
- theft, blackmail, physical violence, intimidation, racism or persistent bullying (including cyber-bullying);
- child on child abuse;
- misconduct of a sexual nature;
- supply or possession of pornography;
- possession or use of unauthorised firearms or other weapons;
- vandalism or computer hacking;
- persistent attitudes or behaviour which are inconsistent with the school's ethos;
- serious academic malpractice such as plagiarism;
- other serious misconduct, on or off school premises, which affects the welfare of a member or members of the school community or which brings the school into disrepute (single or repeated episodes).

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

- Sexual abuse or assault;
- Serious actual or threatened violence (including bullying) against another pupil or member of staff;
- Involvement in the possession, use or supply of drugs or substances.

Drug related incidents present complex problems for schools. The possession, supply, or taking of drugs may involve a criminal offence; effective liaison with the police will help in the appropriate handling of such incidents. In the majority of cases, permanent exclusion will be the appropriate course, but on some occasions, fixed period exclusion may be more appropriate given the circumstances of the case. Any such fixed term exclusion may be accompanied by a requirement to comply with subsequent random drugs testing at the pupil's/parent's expense.

Repeated serious offences such as those outlined under “Exclusion Offences” may also lead to permanent exclusion or removal.

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 policies for which removal is an appropriate sanction; or
- The behaviour of either of the parents is, in the opinion of the Head of School/ Second Master, unreasonable and affects, or is likely to affect, adversely, the pupil's or other

pupils' progress at the school or the wellbeing of school staff or bring the school into disrepute; or

- After consultation with the parents and, if appropriate, the pupil, the Head of School/ Second Master is of the opinion that by reason of the pupil's conduct, behaviour or progress, the pupil is unable to benefit sufficiently from the educational opportunities and/or the community life offered by the school.

3 THE PROCEDURE

- 3.1 The procedure followed by the school in cases where a sanction of exclusion (fixed-term or permanent) or removal may be imposed by the Head of School/ Second Master are summarised in the flowchart in **Appendix 1** to this policy.

There are up to three stages to be followed:

- 3.2 Investigation procedure (4)
- 3.3 Disciplinary meeting with the Head of School/ Second Master (where a permanent exclusion or removal are possible outcomes) **(5)**
- 3.4 Review meeting (only possible where the Head of School/ Second Master, in consultation with the Chief Master & Principal, has decided upon permanent exclusion or removal) **(6)**

4 INVESTIGATION PROCEDURE

- 4.1 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Senior Deputy Head, and its outcome will be reported to the Head of School/ Second 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 excluded, either for a fixed period or permanently, or removed from the school.
- 4.2 In cases where immediate investigation is considered conclusive, and where the Head of School/ Second Master decides promptly upon a fixed-term exclusion, the first contact with parents may be to inform them of both the complaint and the proposed sanction.
- 4.3 **Temporary exclusion:** A pupil may be temporarily excluded from the school while a complaint is being investigated or while an investigation is suspended (see 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. Alternatively, the pupil may be placed in supervised isolation on school premises.
- 4.4 **Search:** We may decide to search a pupil's space and belongings and ask them 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 Appendix 2 of the school's Behaviour Policy for the school's policy on searching and confiscation.

- 4.5 **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. The interviewing member of staff will record minutes of the informal interview in writing. If the pupil is then interviewed formally about a complaint or rumour of serious misconduct, a second member of staff **will** be present, who will take minutes of the interview. 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.
- 4.6 **Statements:** Written statements will be taken, where possible, and as appropriate, from pupils and adults who witnessed the incident(s). Such statements should be signed and dated.
- 4.7 **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.
- 4.8 **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.
- 4.9 **Outcome:** In the case of a fixed-term exclusion, the parents will be contacted as soon as possible after the Head of School/ Second Master has made the decision. The Head of School/ Second Master will send a letter to the parents confirming the decision within two school working days, a copy of which will be sent to the Chair of Governors.

The letter will clearly state:

- The reason for the fixed-term exclusion
- The length of the exclusion
- The date the pupil is permitted to return to school

The Head of School/ Second Master will discuss the matter at a readmission meeting with the pupil, parents, and other relevant members of staff invited by the Head of School, before the pupil is readmitted to the school.

5 DISCIPLINARY MEETING WITH THE HEAD OF SCHOOL/ SECOND MASTER WHERE A PERMANENT EXCLUSION OR REMOVAL ARE POSSIBLE OUTCOMES

- 5.1 Where the Head of School/ Second Master considers that the permanent exclusion of a pupil may be warranted in the circumstances, the Senior Deputy Head will conduct a full investigation, and in particular will:
- where relevant speak to other members of staff and/ or pupils
 - co-operate with a police investigation if it is suspected that a criminal offence has been committed; and

- interview the pupil, in the presence of another member of staff; and in the presence of the pupil's parents if they wish (with the agreement of the pupil if they are over the age of 18)
- In most cases, it will be appropriate to exclude the pupil for a period not exceeding 5 days whilst the investigation is conducted. The Head of School/ Second Master should write to the pupil's parents stating that the pupil has been excluded pending investigation.
- Where school activities occur within the exclusion period (including outside normal school hours), the pupil should not normally take part in such activities.
- Appropriate work should be provided from the outset of the exclusion period. In particular, any pupil coming up to examinations should be provided with an appropriate programme of study, including the marking of work.

5.2 **Preparation:** The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Head of School will include:

- a statement setting out the points of complaint against the pupil;
- written statements and notes of the evidence supporting the complaint;
- any relevant correspondence and school records;
- the Senior Deputy Head's Investigation Report;
- the pupil's school record;
- the relevant school policies and procedures.

5.3 **Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Head of School/ Second Master at which the Senior Deputy Head will explain the circumstances of the complaint and their investigation.

5.4 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 Head of School/ Second Master or Senior Deputy Head, so that appropriate arrangements can be made.

5.5 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 and their child's education.

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

1. The complaints: The Head of School/ Second Master will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. The disciplinary meeting may be adjourned so that the Head of School/ Second Master can consider the evidence presented before forming a conclusion. Unless the Head of School/ Second Master 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. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence, but the Head of School/ Second Master will not normally refer to the pupil's disciplinary record at this stage.

2. The sanction: If the complaint has been proved, the Head of School/ Second Master will outline the range of disciplinary sanctions which they consider are open to them. They will take into account any further statement which the pupil and/or others present on their 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 Head of School/ Second Master will give their decision in writing, with reasons, after consultation with the Chief Master & Principal

3. Leaving status: A decision to permanently exclude or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain excluded and shall not attend School. If within seven days, the parents have made a written application for a Review by the Governors of the decision, the pupil shall remain excluded until the Review has taken place and either the sanction is upheld, or a reconsidered decision made.

- 5.7 If a pupil is permanently excluded or removed, their leaving status will be one of the following: permanently excluded, removed, or, if the offer is made and accepted, withdrawn by parents.
- 5.8 In addition to the pupil's leaving status, the following points will be decided by the Head of School/ Second Master, following consultation with the parents:
- 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, their 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;
 - 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;
 - notification to the Local Authority.
- 5.9 **Record Keeping:** All records created in accordance with this policy are managed in accordance with the school's policies that apply to the retention and destruction of records. Administration of a serious sanction is recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the sanction. This log is reviewed regularly by the Senior Deputy Head, and annually by Governors, so that patterns in behaviour can be identified and managed appropriately.

6 REVIEW PROCEDURE

- 6.1 **Review:** A pupil or her parents may request a review by the Governors of the Head of School/ Second Master's decision to remove or permanently exclude a pupil. The review is an internal proceeding, not legal proceeding, and legal representation is unnecessary.
- 6.2 There is no right to a review of other sanctions, but if a pupil or their parents feel aggrieved, they should refer to the School's Complaints Policy.
- 6.3 **How to request a Review:** A request for a review must be put in writing to the Clerk to the Governors using the Request Form in Appendix 2. The request must be made within seven days of the date of the Head of School/ Second Master's letter confirming their decision to remove or permanently exclude a pupil.
- 6.4 The request should include:
- 6.4.1 a copy of all relevant documents and full contact details;
 - 6.4.2 the grounds on which the parents are asking for a review and the outcome desired;
 - 6.4.3 a list of the documents which the parents believe to be in the school's possession and wish the Panel to consider; and
 - 6.4.4 whether the parents propose to be accompanied to the Review Hearing by a friend or relation who is legally qualified.
- 6.5 For the avoidance of doubt, a mere disagreement with the decision of the Head of School/ Second Master will not of itself be grounds sufficient for a review.
- 6.6 If assistance with the request is required, for example because of a disability, this should be indicated in the request form.
- 6.7 The Clerk to the Governors will acknowledge the request for a review in writing within three school days of receipt.
- 6.8 Every effort will be made to enable the review to take place within 15 school days of receipt of the request.
- 6.9 **Planning the Review:** The Clerk to the Governors will send written notification to each party of the date, time and place of the review at least ten school days before the date of the review.
- 6.10 Copies of any documents additional to those specified in the Review Form that the parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least seven school days prior to the review.

- 6.11 On receipt of new information not previously available to the Head of School/ Second Master before their decision was made, the Clerk to the Governors should contact the Chair of Governors who will decide whether to:
- 6.11.1 include the new information in the bundle; or
 - 6.11.2 omit the information if not relevant to the grounds for Review; or
 - 6.11.3 make further enquiries of the Parents or the pupil about the information or
 - 6.11.4 refer the information to the Head of School/ Second Master and Chief Master & Principal, for their consideration as to whether the decision should be revisited.
- 6.12 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Review Panel to all parties at least three working days prior to the review.
- 6.13 The Parents may be accompanied at the Review Hearing by a relative or friend.
- 6.14 The Parents are required to notify the Clerk to the Governors if they wish to be accompanied by a relative or friend who is legally qualified in their initial request for a review (see 6.1 and 6.4.4). The Parents should note that the Panel will wish to speak to them directly. The legally qualified person will not be permitted to act as an advocate or to address the Review unless invited to do so by the Chair of the Panel.
- 6.15 A person will be appointed to take minutes of the Review Hearing.
- 6.16 **Composition of the Panel:** The Panel will comprise at least three individuals who have no detailed prior knowledge of the case or of the pupil or the Parents and will not include the Chair of Governors. With the exception of the Chair of Governors, Governors not appointed to the Panel will not be provided with information about the case.
- 6.17 The Parents may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Review. Fair consideration will be given to any reasonable objection to a particular member of the Panel.
- 6.18 The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.
- 6.19 **Role of the Panel:** The role of the Panel is to consider:
- **Whether the decision-making followed a fair process:** whether an appropriate procedure was followed allowing the facts of the case to be 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. Observance of the School's relevant policies and rules will be taken into account but may not be determinative.
 - **Whether the sanction was proportionate:** whether it was warranted in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the school's policy in that respect.

In addressing the matters above, the Panel will consider the documentation provided by the parties and representations made and any other factors which the Panel considers to be relevant. The Panel will decide whether to uphold the Head of School/ Second Master's decision, or refer the decision back to them with recommendations so that they may consider the matter further, in consultation with the Chief Master & Principal.

- 6.20 **Review meeting:** The meeting will take place at the school premises, normally within 15 school days after the parents' application has been received. A Review will not normally take place during School holidays. The Head of School/ Second Master will be asked to submit any additional documents they wish to refer to at the meeting to the Clerk to the Governors at least five school days prior to the Review meeting. Papers will be circulated to the Panel and the parties at least three days before the meeting.
- 6.21 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.
- 6.22 **Attendance:** Those present at the Review meeting will normally be:
- members of the Review Panel and an appointed Clerk;
 - the Head of School/ Second Master and Chief Master & Principal, as appropriate, and any relevant member of staff whom the Head of School/ Second Master considers should attend in order to secure a fair outcome;
 - the pupil together with their parents. The parents may be accompanied by a friend or relation (see 6.1 and 6.13).
- 6.23 **Conduct of meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room. All statements made at the meeting will be unsworn. The meeting will not be recorded but the Clerk will be asked to keep minutes 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 her/ his discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- 6.24 The order of business will be as follows:
- After introductions, the Head of School/ Second Master will present their report explaining the reasons for the decision followed by witnesses* (if any).
 - The parent/s may question both the Head of School/ Second Master and the witnesses after each has spoken. The panel may ask questions at any point.
 - The parent/s and pupil are then invited to make their case followed by their witnesses (if any).
 - The Head of School/ Second Master may question the parent/s, the pupil and the witnesses after each has spoken.
 - The Head of School/ Second Master is then invited to sum up the school's case.
 - The parent/s is then invited to sum up their case.
 - When the Chair decides that all issues have been sufficiently discussed, the parents, pupil and Head of School/ Second Master (and Chief Master & Principal if in attendance) will be asked to leave together while the Panel decides on the

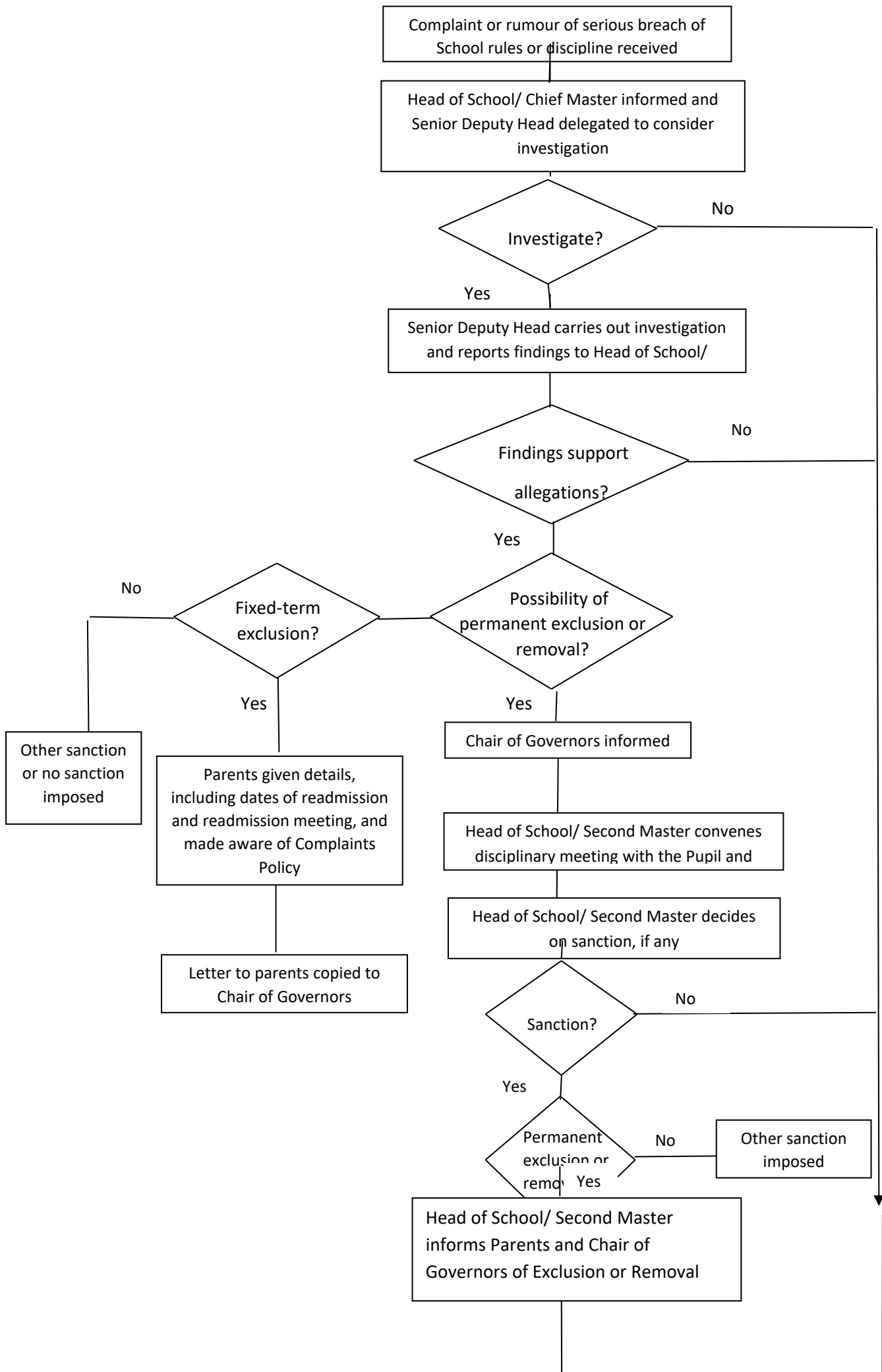
issues and its recommendations. The Chair explains that both parties will hear from the panel within the set time scale.

*Witnesses are only required to attend for the part of the hearing in which they give their evidence.

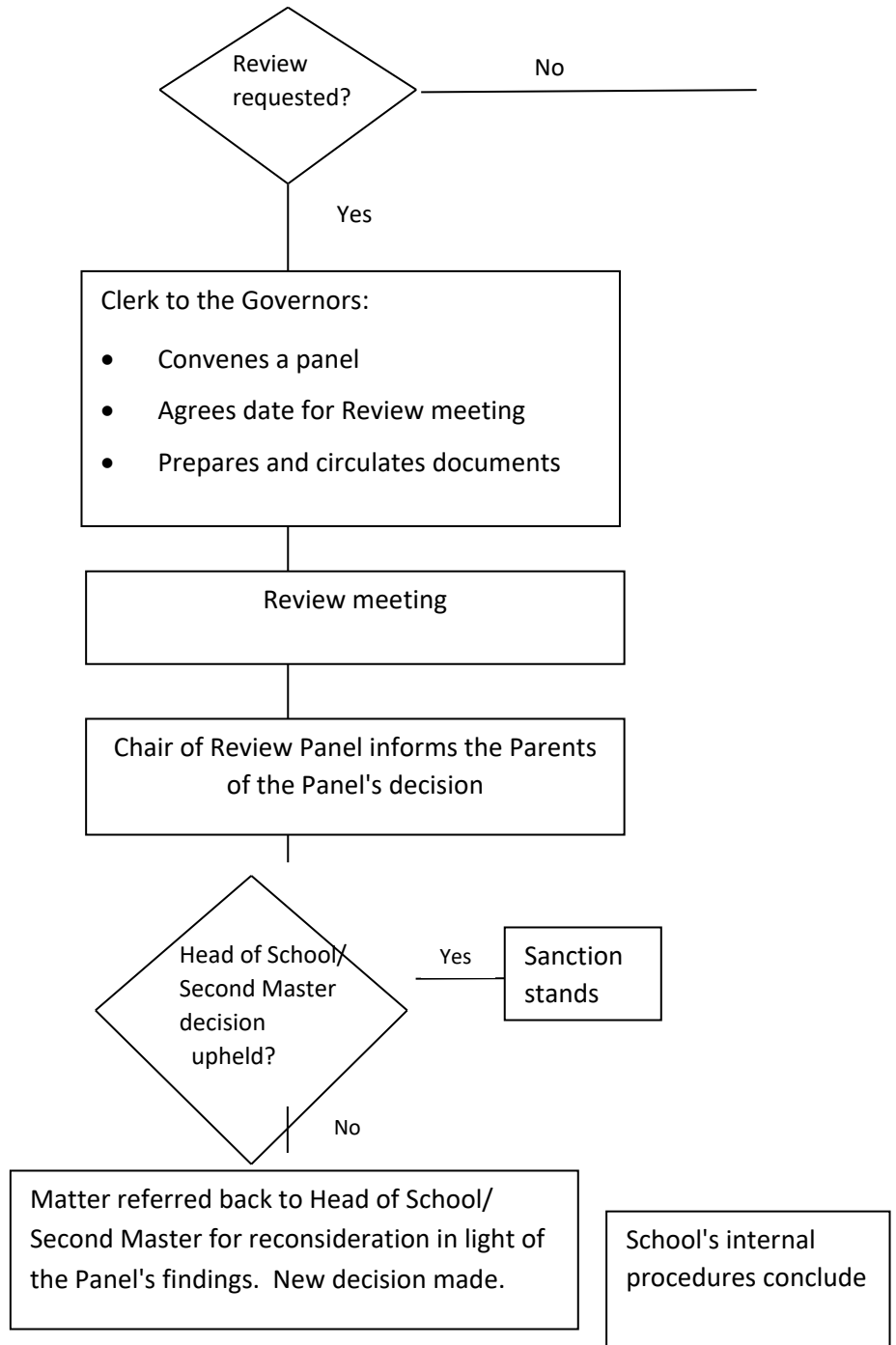
The requirements of natural justice will apply. If, for any reason, the Head of School/ Second Master (and Chief Master & Principal if in attendance), the pupil or their parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to the Governors to note their dissatisfaction and the reasons for it.

- 6.25 **Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head of School/ Second Master, the Chief Master & Principal, and the parents by the Chair of the Review Panel within three school days of the meeting. Where the Review Panel make their decision promptly on the day of the Review meeting, the Chair may choose to recall both parties to the room and notify them in person of the decision. Written notification will still be provided within three school days of the meeting. The Head of School/ Second Master will provide their response to the Chair's written recommendations, if appropriate, in writing within 24 hours of receipt. In the absence of a significant procedural or substantive irregularity, the Head of School/ Second Master's decision will then be final.

Appendix 1- Procedural flowchart



Letter to Parents encloses policy on exclusion, removal and review and explaining how to request a review



Appendix 2 - Form for requesting a Review

To Clerk to the Governors, Schools of King Edward VI in Birmingham

Subject [Name of pupil]

I/we request a Review of the Head of School/ Second Master's decision to permanently exclude or remove 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 Head of School's / Second 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 Head of School/ Second 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 Clerk to the Governors 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